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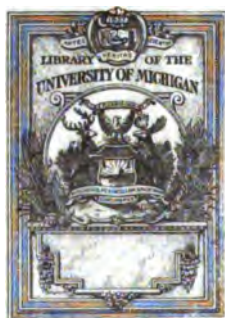
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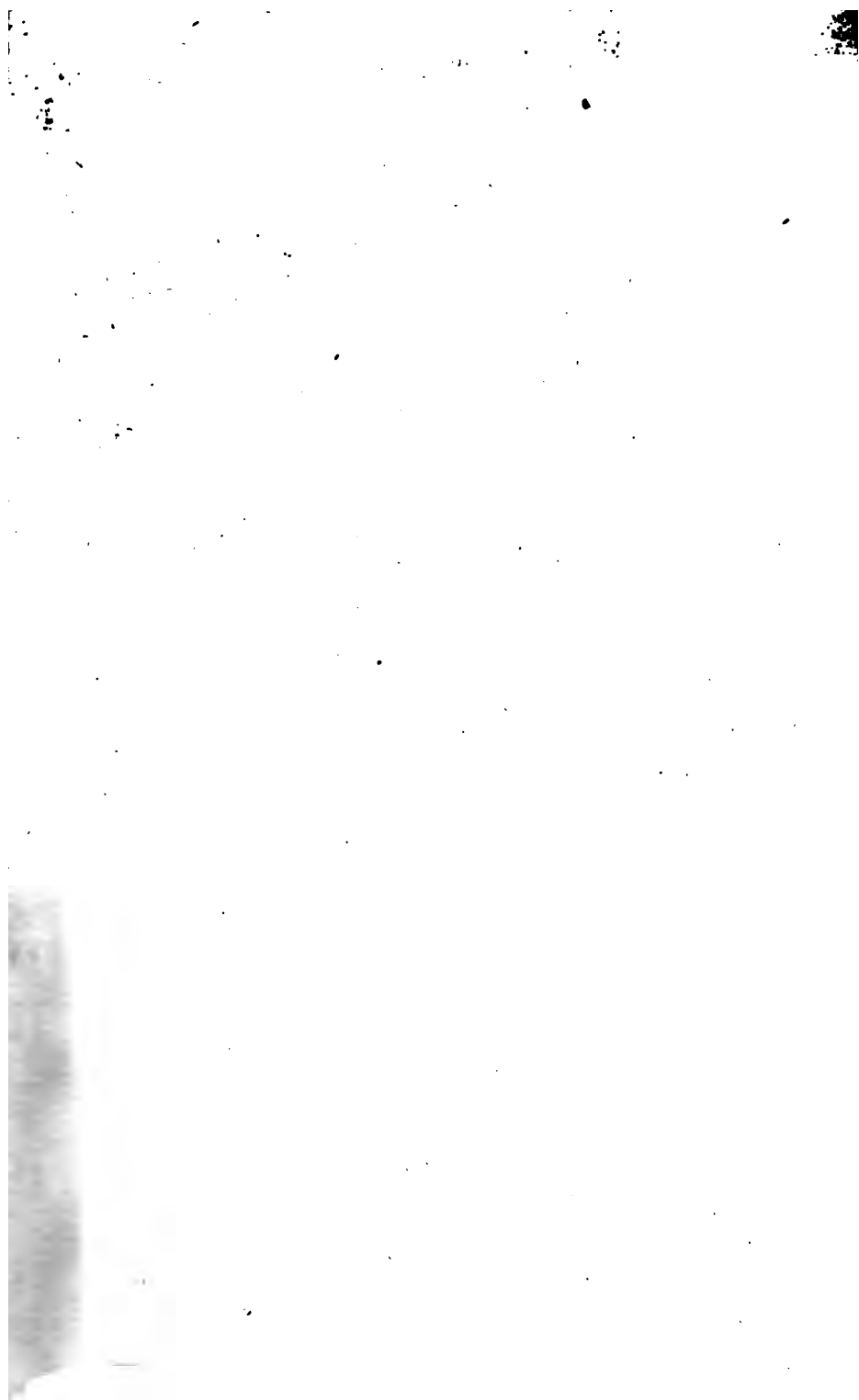
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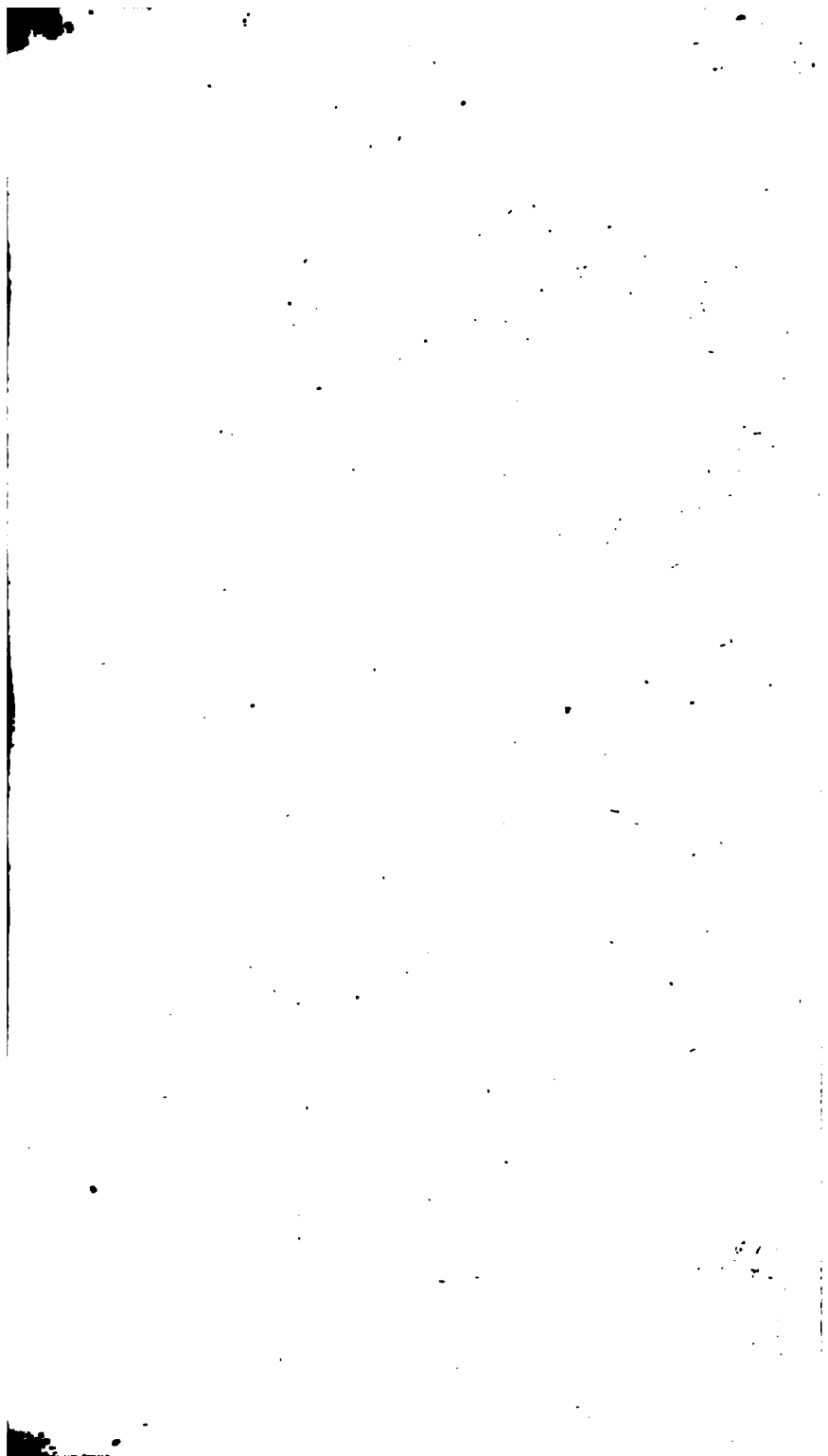
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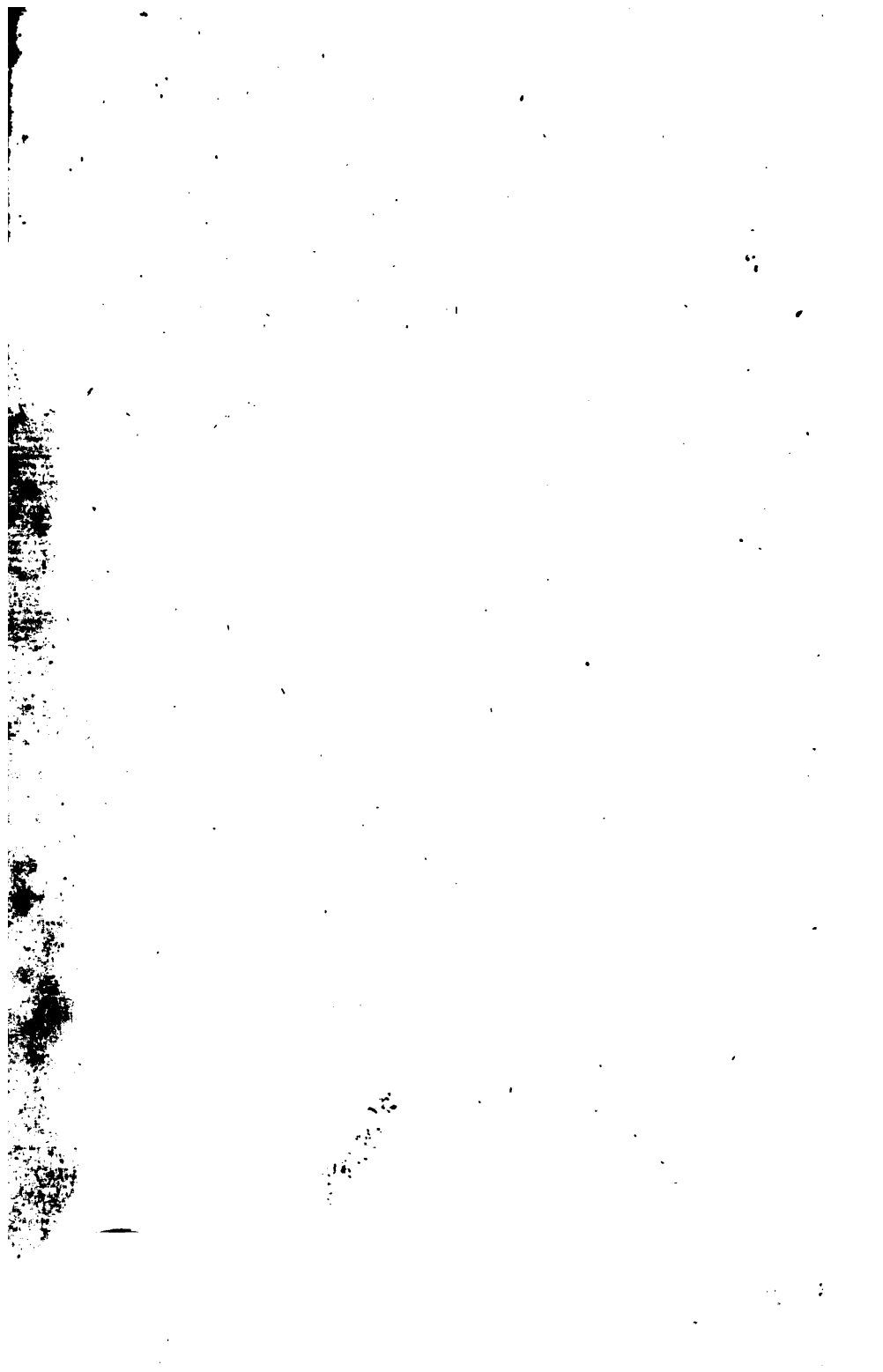
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THE
HISTORY
OF
ENGLAND.

Written in FRENCH by
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Translated into ENGLISH, with Additional Notes, by

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ILLUSTRATED WITH
MAPS, GENEALOGICAL TABLES, and the HEADS
and MONUMENTS of the KINGS.

The FOURTH EDITION, corrected.

VOL. II.

LONDON:

Printed, by Assignment from Mr. KNAPTON, for

T. OSBORNE and J. SHIPTON, J. HODGES, J. ROBINSON,
H. WOODFALL, W. STRAHAN, J. RIVINGTON, J. WARD,
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DER and H. WOODGATE, M. COOPER, and C. WARE.

MDCCLVII.

A
DISSERTATION
ON THE
GOVERNMENT, LAWS, MANNERS,
CUSTOMS, and LANGUAGE
OF THE
ANGLO-SAXONS.

THE revolution in Europe, about the beginning of The greatest part of the laws in Europe from the north, the fifth century, is one of the most remarkable events in history. The Roman empire, almost of equal extent with the known world, was then divided into two empires, one containing the eastern, the other the western provinces. The western empire was so harassed by the continual invasions of the northern nations, that, losing by degrees all its provinces, it was reduced to nothing, and the very name of emperor of the west vanished with that empire. This great revolution quite altered the state of Europe, by introducing new inhabitants, who raised new kingdoms upon the ruins of the Roman empire; brought at the same time new laws and customs into the conquered countries. Spain was peopled with colonies of Wisigoths, Catti, Alani, and Suevi. Gallia was overwhelmed with a deluge of Wisigoths, Burgundians, and Franks. Italy was so exposed to the successive invasions of the Heruli, Ostrogoths, and Lombards, that the ancient inhabitants, instead of preserving the superiority of number, made no figure at all. The Saxons, Suevi, and Bavarians, spread themselves over all Germany, and became masters of that vast tract of land. In a word, Great-Britain was so over-run with Saxons, Angles, and Jutes, that hardly could any remains of the ancient

A Britons

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Britons be discovered. It was very natural for these Conquerors to establish in their new erected kingdoms their own country customs. And therefore it may be affirmed for certain, that the laws now in force, throughout the greatest part of Europe, are derived from the laws these ancient conquerors brought from the north. This might be easily proved with respect to all the countries concerned in this great revolution. But at present I shall confine myself to England alone. By what I am going to say, whoever has any knowledge of the English constitution, will easily be convinced, that the customs now practised in that kingdom, are for the most part the same, the Anglo-Saxons brought from the northern countries, and lastly from Germany.

The laws of
England de-
rived from
the Saxons.

Brady.

In the second book of this history, we have seen how the Saxons were no sooner arrived in Great-Britain, but they formed a design of settling there, and at length succeeded, after a war of 150 years. This long war bred such enmity between them and the Britons, that there is no probability, the Saxons, who in the end proved victorious, should borrow from the vanquished the form of government, established in their conquests. If therefore we would trace the origin of the laws and customs of the Anglo-Saxons, we must search for it in Germany and the northern countries, rather than among the ancient Britons. And indeed, such is the resemblance between the laws of the Saxons, Franks, Suevi, Lombards, and the other northern nations, that it must necessarily be concluded, they had all the same origin, of an older date than the separation of these people. This resemblance is still much stronger between the laws of the Anglo-Saxons in Great-Britain, and those of the Saxons in Germany, since they were both the same nation, part whereof settled in England. An English historian, by comparing the laws and customs of the Germans with those of the English, has plainly shewn, the English introduced into Great-Britain, the same laws that were in use in their own country. Nay, he affirms, that till the Norman conquest, there was not so much as one law in England, but what in the main the Germans had the same. It is true, as the Anglo-Saxons consisted of three several nations, who had also their separate quarters in England, there might be some difference upon that account, amongst the seven kingdoms of the heptarchy. But this difference could not be very great, since the three nations were united in Germany, before their coming into England, and made but one and the same people under the general name of Saxons. All that can be inferred from hence, is, that the laws,

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laws established by the Anglo-Saxons in England, were composed of those of the Angles, Saxons, and Jutes. But to look for the origin of the English constitution among the ancient Britons, would be without foundation, though it is not impossible but their forms of government might in some respects be alike. The laws and customs therefore, introduced into Great-Britain; by the Anglo-Saxons, are to be considered, as composed of the laws their ancestors brought into Germany, and of those they found among the ancient Germans. And indeed; what Tacitus says of the German customs; corresponds so exactly with several of the Saxon ones, that it can hardly be doubted that the Saxons borrowed many things from the Germans; unless we should choose to say, the customs of both nations flowed from the same fountain. But to trace back these matters to their first original, would be a work of infinite labour. It suffices to give a general idea of them. And therefore, without carrying this inquiry any further, let us be satisfied with seeing what was the form of government, established by these conquerors in England.

The Saxons had no kings in Germany, when they sent their first troops to the assistance of the Britons under the conduct of Hengist ^a. Their territories were divided into twelve provinces, over each of which a head or governor was appointed by the assembly-general of the nation, wherein the supreme power was lodged. This assembly was called *witena-gemot*, that is to say, the assembly of the wise-men ^b; and also, the *mycel-synod*, that is, the great assembly. Besides the governors of the provinces, there were others also set over the cities and boroughs. In time of war, the assembly elected a general to command the army, and to be the chief or head of the commonwealth ^c. Doubtless this general had great prerogatives; but we are ignorant of their number and extent. It appears by the perpetual contests in England, between the princes invested with this high dignity and the other kings, that these prerogatives had no fixed and settled bounds.

The title of king among the Saxons.

Though the title of king was not in use among the Saxons, it was however assumed by Hengist, as soon as he was in

^a It is observable, that in France, Spain, and Italy, they have no word that signifies king, but what is borrowed from the Latin, a language these peoples were strangers to, when they lived in their conquests.

^b In like manner our parliament is sometimes styled, the wisdom of the nation.

^c This general was chosen out of the twelve governors.

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possession of Kent. Indeed, it would have been difficult for him to have found any other so proper to express his sovereignty over that province. It is true, the titles of duke and earl, or their equivalents heretogh and Ealdorman, were not then unknown. But they were not yet used to signify sovereigns. It was not till long after, that certain dukes and earls being invested with sovereign power, these titles were used

The form of government established by the Saxons in England.

to denote the supreme authority. The other Saxon leaders, who settled in Great-Britain after Hengist, followed his example, in assuming the title of king. Thus, whereas in Germany, the Saxon territories were divided into twelve governments, their conquests in England were parted into seven kingdoms, but with this difference, that in Germany each governor depended on the assembly-general of the nation, whereas in England, each king was sovereign in his petty kingdom. However this did not exempt him from all dependence on the wittena-gemot of his own state, which in conjunction with him regulated all important affairs. Moreover, by mutual consent, there was established a general assembly of the whole seven kingdoms, where matters relating to all in common were settled. Hence this form of government, which considered the seven kingdoms as united in one body, was called the heptarchy, that is, the government of seven.

A wittena-gemot in each kingdom.

These first kings having scarce any other subjects but their own countrymen, durst not think of assuming a despotick power. Perhaps they had never any such thoughts, having been accustomed to the contrary in their own country. They established therefore, or rather continued, each in his own kingdom, a wittena-gemot, where the same affairs were determined, as were wont to be in the like assemblies in Germany. As for what concerned the common interest of the seven kingdoms, it was debated in a general assembly of the kings and great men of the heptarchy. 'Tis not precisely known what were the rights and privileges of the general wittena-gemot. Probably they were much the same the states-general of the united provinces enjoy at this day. Each king was sovereign, but executed the determinations agreed upon in common, to which he had given his consent, either in person or by proxy. Be this as it will, the common opinion is, that there was a wittena-gemot for each kingdom in particular, and a general one for all the seven^d.

Upon

^d In order to have a clear notion of the Cathick model of government, established in the several kingdoms of Europe, it will be necessary to consider the

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Upon this supposition it is easy to define the nature of the Anglo-Saxon government. It was monarchical, as each kingdom had its king, but then it was also aristocratical, as the king had not the power of making laws without the consent

The nature
of the Saxon
government.

the nature of their armies that were fast out in quest of new habitations. As their whole nation was divided, like the Israelites, into so many distinct tribes, with each its own judges, without any common superior, unless in time of war, like the Roman dictator: so in like manner the armies or colonies first set out, upon their countries being stocked with inhabitants, were not armies of hirelings, who conquered for the benefit of their paymasters, but voluntary societies or partners in the expedition, consisting of so many distinct tribes, out of every tribe, conducted each by their own leaders, and united under one common general or superior chosen by consent, who was also head or captain of his own tribe. This then being the nature of the confederate army, it is evident that upon their conquering a country, the property of the land was in the whole collective body, and that every individual had a right to share in what he had helped to conquer. Accordingly to fix this undetermined right, the conquered country was divided into as many shares (called afterwards shires, counties, &c.) as the general or king had companions, or as the army was composed of tribes, that tribe, as they had lived together in their own country, might do the same in their new settlement. After this general division, the lands were partitioned out among the leaders and officers, who subdivided them among their followers. These allotments, whilst annual, or for life, were called in Latin, *beneficia* (a word appropriated since to church preferments) and afterwards *feoda*, that is, a gift of possessions; from the Teutonic, *fee* a gift, and *od* a possession; in our language they are all called fees. As it was necessary upon their settling in a newly subdued country, to continue their general, he may be considered in two respects; first, as lord of a private district divided among his own particular followers, and second as head of the great seignory of the kingdom. Thus we may frame an

idea of the nature of the governments settled in Europe, by the northern nations. Over each district or country presided an ealdorman or earl, who with an assembly of the landholders or vassals (so called from *Gefell*, the name they went by in their own country) regulated all affairs relating to the country. And over the great seignory of the kingdom presided the general, or king, who with a general assembly of the wives or vassals of the crown, regulated the affairs relating to the whole community. How this was done in England, and who were the members of the country-courts or assemblies, as well as of the great court of the kingdom, will be shewn under the next head of the courts of justice. From what has been said, many useful remarks may be made. Hence we see the origin of the principalities, dukedoms, counties, and the like, that the several European kingdoms are divided into. From hence we may also observe that the property or directum dominium of the land, was in the collective body, or the publick, and that the tenants in fee were only invested with the dominium utile; and therefore that the great lords held their seignories of the publick or kingdom, and not of the king. Thus the German princes hold of the empire, not of the emperor; and this is the reason of the English lords being called peers of the realm, though they are now commonly thought to have held of the king. After the fees from being annual became Estates of inheritance, many differences arose between the two superiors and the vassals, and between the vassals themselves, upon which their reciprocal rights and duties were inquired into and settled. The rules collected from such decisions by degrees, were termed the feudal law, and prevailed over Europe for many ages. This law is distinguished by bishop Nicolson, into three periods; its birth from the irruption of the northern nations to 650; its infancy, from thence to 800; its youth, from

sent of the assembly general, consisting of the chief lords of the nation. Several believe too, it was partly democratical, and that the people sent their representatives to the wittenagemot, as they now do to the parliament. This opinion shall be fully examined hereafter. Mean time, it will be necessary to take a view of the several ranks and degrees of men among the Anglo-Saxons, since otherwise there is no having a distinct knowledge of the nature of their government.

The several degrees and orders of men among the Anglo-Saxons.

The king.

The queen.

I shall say nothing here of the king, because I shall have occasion elsewhere to speak of his power and prerogatives.

The queen was the second person in the state, tho' only with regard to the respect that was paid her, for she had no share in the government. If sometimes the queens signed the charters with the kings, it was not because it was necessary, but on account of their rank. During the whole time of the Saxon government, we find but one queen invested with the sovereignty, I mean, Sexburga, queen of Wessex. However some historians assure us, she was deposed by the West-Saxons, purely because she was a woman. Nay, we have seen that on occasion of Brithric's death, Egbert's immediate predecessor, the West-Saxons deprived their queens of the prerogatives they had till then enjoyed. The title of queen, which was, and still is, given to the king's wife, means no more, originally, than a companion; in Latin, comes. In process of time, this term was used to denote more particularly those who were nearest the king's person; from whence it came to have a more general signification, and to mean the great lords. Thus we find in the old French romances and poets, *li queen de Flandre*, *li queen de Leicester*, instead of the earls of Flanders and Leicester. The word queen then was common to men and women, just as comes in Latin. At length the term count or earl being substituted in its room, when applied to men, queen was appropriated

Remark on the word "queen."

thence to 1027; and lastly, its state of perfection soon after that time. The princes of Europe, and their people being linked together by feudal tenures (which if duly considered, will effectually shew the true nature of the royal power, and the measures of the peoples obedience) remained for a long time in a happy state, there having been no prince in Europe, that ever imagined he had a title to arbitrary power, till the civil law, which had been buried in oblivion for some time,

after the settling of the northern nations in the western empire, was brought to light. Then some princes made *lex regia* a handle to assume a despotick power, and introduced the civil law purely upon that account into their kingdoms. This was unsuccessfully attempted in England; but it prevails in other parts of Europe, even in Spain itself, where the reading it purely for this cause, was once forbid on pain of death. See St. Amana's essay on the legislative power of England. p. 46.

to the women only. Afterwards coming to have a more restrained signification, it was used only to denote the companion of the king, or the queen. But it must be observed, this appellation is common to all queens, whether they hold their dignity of their husband's, or of their own right.

The king's sons, and the princes of the royal family held the third rank. They were distinguished by the title of *clyto*, taken from a Greek word, signifying illustrious. It is something difficult to know the reason, why the Saxon princes affected a Greek title. One would be apt to think the word *clyto* came from some old Saxon term, if Edgar's title of *Totius Angliæ Basileus**, were not a demonstration that they had a view to the Greek. As this title was peculiar to the princes, the word *clyto* alone came by degrees, to denote a prince of the royal blood. Accordingly nothing is more common with the ancient English historians, than to use the terms *clytone*s, *clytonculi*, for the king's sons. In process of time, the Saxon term *atheling*, from *athel*, that is, noble, was substituted in its place. As for the termination *ing*, it denotes the extraction or descent, as Malmshury informs us. The sons of the kings of England, says he, were wont to assume names which shewed their extraction.

The prince.

Remark on

the titles of

Clyto.

Selden, titles

of honour.

Malmsh.

de reg. l. 1.

c. 3.

Thus, the son of Edgar named himself *Edgaring*, the son of Edmund, *Edmunding*, and so of the others. But they had all one common title, namely, that of *atheling*. As the French, which settled in Gaul, came from Germany, probably the termination *ing*, in the words, *Merovingians*, and *Carlovingians*, that is, the descendents of *Meroveus* and *Charles*, is derived from the same original.

Next to the princes, the first degree of the nobility was that of *ealdorman*†. This word, which in its primary signification means only an aged man, came by degrees to stand for persons of the greatest distinction; apparently because such were chosen to discharge the highest offices, whose long experience had rendered them most capable. It is not only among the Saxons that this word is used in these two different senses. We find in Scripture that the elders of Israel, of Moab, and of Midian, were taken for the chief men of their respective nations. The word, *senator*, *senor*, *signor*, *seigneur*, in Latin, Spanish, Italian, and French, signify the same thing. The *ealdormen* therefore in England were

Ealdorman.

* King Edgar styles himself thus in his charter to Glaffenbury-Abbey, as it stands in Malmshury's Antiquities of that Monastery.

† Our author calls them *ealdormen*; but I cannot find the word is so spelt in any writer. The Saxon annals, &c. style them *ealdormen*.

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the most considerable of the nobility, discharged the highest offices, and consequently had the largest estates. As they were generally intrusted with the government of the counties, instead of saying the governor, it was said, the ealdorman of such a county. Hence by degrees this word came to signify the governor of a county or even a single city. Whilst the heptarchy lasted, these officers were only during the king's pleasure, who turned out the ealdormen when he thought proper, and placed others in their room. At length, they became during life, at least for the most part. But however, this did not hinder the ealdormen from being displaced upon several accounts. We have seen instances of this in the reigns of Canute the great, and Edward the confessor. After the Danes were settled in England, the title of ealdorman was by degrees changed into that of earl, a Danish word of the same import †. Afterwards the Normans introduced that of count, which, though different in its original signification, meant however the same dignity. But for reasons too long to be explained, the Danish term earl, is still used to denote the same person, expressed by the word count in other countries.

Several sorts
of ealdor-
men,

There were several sorts of ealdormen. Some were properly only governors of a province or county. Others were owners of their province, holding it as a fee of the crown, so that it was always considered as parcel of the state. The history of Alfred the great, affords an instance of this last sort of ealdormen, which were very rare in England. We find this prince gave the property of Mercia to earl Ethelred, and that Elfreda his widow kept possession in the reign of Edward the elder. Nay, it was by force that Edward dispossessed his niece Alfwina after the death of Elfreda. Malmſbury, speaking of Edward the elder, expresses himself thus: "He united the two kingdoms of Mercia and Wesseſſex; but as to the first, he was only titular king, because it was given to a lord named Ethelred." And to shew in what manner this lord held Mercia, the same historian, speaking of Alfred the great, says, "He gave London, the capital of Mercia, to a lord called Ethelred, who had married Elfreda his daughter, to hold it of him by fealty and homage." Hence it is plain, Ethelred held Mercia as a fee, in the same manner that Oſta and Ebuſa had formerly held Northum-

† From ar or ear, i. e. honour, and ællic, or earlic, honourable. In the Danish language to this day, erligis, signifies noble, or honourable, as erlig

radman for nobilis decurio in St. Mark, cap. 15. v. 43. Selden, Titles of Honour, p. 638.

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herald of the crown of Kent, as this historian assures us. Thus also in France, about the beginning of the third race of their kings, the dukedoms and earldoms, which before were only bare governments, were made hereditary, on condition of homage. These ealdormen or earls were honoured with *Dufresne* the titles of Reguli, Subreguli, Principes, Patricii. Nay, *voce par*, there are instances of their having the title of rex^b. As for the others, who were only governors, they had the title of ealdorman of such a county, expressed sometimes in Latin by the term consul. The first administered justice in their own name, and appropriated to their own use all the profits and revenues of their respective counties. The last administered justice in the king's name, and had only a certain share of the profits assigned them. Earl Goodwin, how great a lord soever he might be in other respects, was of this rank. To these may be added a third order of ealdormen, who had the title, though without a government, on account of their high birth, and out of these the governors were usually chosen. Thus the title of ealdorman denoted sometimes only a person of quality.

There were also inferior ealdormen in cities and bur- *Inferior eal-*
roughs. But these were only subordinate magistrates, who *dormen.*
administered justice in the king's name, and were dependent on the great ealdormen or earls. The name of ealdorman or alderman is still given to these inferior officers, whilst the others have the title of earl or count.

The office of an ealdorman was wholly civil, and had *Dukes or*
nothing to do with military affairs. There was in each *heretogan.*
province a duke, who commanded the militia. The name of duke, taken from the Latin dux, is a modern term. The Saxons called this officer heretogⁱ. He had no right to meddle with civil matters. His business was of a quite different nature from that of an earl, as he was also independent of him. Hengist and Horfa are called in the Saxon annals, heretogan, or dukes, because they were sent into Great-Britain, not to govern the country, but to command in the war. On the contrary, Osta and Ebusa have always in the same annals the title of ealdormen, because they were governors of Northumberland, under the kings of Kent.

^b Ethelred, ealdorman of Mercia, under king Alfred, is so called by Ethelward, and his earldom is, in Florence of Worcester, called regnum and rex (which is the same) in the Saxon annals. See Ethelw. l. 4. c. 3.

ⁱ That is, publick leader, or captain. In the Saxon psalms, both ealdorman and heretoga thus occur, aldermannum Juda, heretogan beara, i. e. the princes of Juda, their captains. Psalm lxvii. 27.

It is true, they might also be styled dukes, as they had the command of the army. Accordingly we find in our histories, sometimes the title of duke, sometimes of earl, given to the same person, when these two offices were united into one, as they frequently were about the end of the heptarchy. Thus the governors of Wessex, Mercia, and East-Anglia, are indifferently called dukes or earls. But I do not know the reason why historians never give the title of duke to the governor of Northumberland. And yet some of these governors had the command of the armies, as is plain from the example of Siward, to whom Edward the confessor, committed the management of the war with Cumberland &c.

Ealdorman
of all Eng-
land.

There was moreover among the Saxons three very considerable offices, two whereof were civil, and the third military. The first, which very few subjects were ever invested with, was that of ealdorman of all England. This office answers to that of chief justiciary of England, the king's lieutenant, viceroy or guardian of the realm. This was so high a dignity, that the person invested with it was honoured with the title of half-kyning, or demi-king. We find in the history of the Anglo-Saxons, but two lords who were raised to this post, namely Athelstan earl of East-Anglia, and Alwin his son, who were styled Totius Angliæ Aldermannus¹.

Chancellor.

Selden, ti-
tles of ho-
nour.

The second great office was that of chancellor^m. He finally determined all causes that were brought to the king's court, and from him lay no appeal. It was his business also to draw up, and sign all the king's charters, otherwise they would have wanted a necessary formality. The first chancellor, mentioned in the Saxon history, was Turketule, cousin to Edward the Elder, who was afterwards abbot of

* The union of these two offices in one person was no more than what was practised among the Romans in the person of their consul. The art of war in the Saxons time was not arrived to that degree of nicety as it is at present. You have at large the duty of the heretog, and the manner of his being elected by the county-assembly, at a full sole-mote, in the laws of Edward the confessor. See Dr. Wilkins, p. 205. de heretochia.

¹ Selden thinks this Alwin to be the same that subscribes a charter of Edgar's

in Ingulphus, with ego Alwinus dux consensit. At Ramsey abbey was formerly this old inscription.

HIC REQUIESCIT ALWINUS INCLYTI REGIS EDGARI COGNATUS, TOTIUS ANGLIÆ ALDERMANNUS, ET HUIUS SACRI COENOBII MIRACULOSUS FUNDATOR. He died in the year 992. cod. Ramscienfis in Arch. Scaccarii.

^m So called from the barbarous word cancellare, from his cancelling or striking out what he pleased in mens grants and petitions. Tyrrel, introd. p. 73.

Croyland. However, I am apt to think this office was of a more modern Institution *.

The third considerable officer was the general of the army, Kyning's hold, or generalissimo. in Saxon kyning's hold, that is, the king's general. He was chief of the dukes, or the generalissimo, like the high-constable of France. This office lasted only during war. In time of peace, or when the king did not think fit to have a generalissimo, the holds or dukes of each county had the care of the militia.

Next to the earls and dukes were the high-sheriffs of the High-sheriffs or viscounts. counties. These were officers sent by the king into such counties as had no earls, to administer justice in his name and stead. They were called in Latin, *summi præpositi*, *custodes provinciarum*, and afterwards, *vice-comites* †, not that they were under the earls or counts, but because they performed the office of earl in the counties where there was no earl. It is very true, there were sometimes high-sheriffs in those counties, where there were also earls; but Selden supposes it was because such counties were by some peculiar privilege under the immediate jurisdiction of the king. But however this be, hence came the title of viscount, the next in order to that of earl or count. As for the name of sheriff ‡, it is continued to inferior officers, who in each county, perform the office of the ancient viscounts: these having been long since ranked among the peers of the realm.

After the high-sheriffs came the thanes, a name in Saxon Thanes. signifying minister or servant. There were two sorts: *massthanes*, that is, ecclesiastical thanes; and *werold-thanes*, that is lay-thanes. The thanes in general were divided into three classes. The first were the king's thanes, the immediate tenants of the crown, who did homage to the king only. These were properly what were afterwards called peers of the realm, and made the body of the greater nobility. Con-

* Lambard affirms the use of the great seal, and with it the name of chancellor was brought out of Normandy, by Edward the confessor. See his archæionom.

† Vice does not denote here a subordination to any comes, as in that of Horace, *utur vice cotis*, and as in *vice-cancellarius* in the court of Rome, where there is no chancellor. Vicecomes therefore means here, one appointed supplere vicem comitis. See Selden; tit. of hon. p. 646.

‡ Sheriff, as if *shire-reve* (i. e.) præfect of the shire, from the Saxon,

gerefa contracted into *grefa*, and *greve*, and by the Normans, into *reve*; thus *portgreve* is *præfectus portus*, from the German word *grave*, which signifies a judge. Whence the old words *centgrave*, *tun-grave*, &c. for the chief magistrates in the hundreds and tythings. Thus in Germany, the judges of the boroughs and marches were called *bur-graves* and *mark-graves*, and *grave* is still used there to signify the sovereign princes of the territories it is applied to. The Saxon sheriffs were chosen by the assembly of the county. See Dr. Wilkins, p. 205.

sequently,

frequently, dukes, ealdormen, and viscounts were ranked among the thanes of the first class, as well as they who having no offices, were the immediate tenants of the crown. The Normans changed the term thane into baron, and styled the lands baronies, which the Saxons called thane-lands. Hence it has been the custom for a long while in England, to rank all the greater nobility under the general title of barons, because all the great men were thanes ¹. The second class of thanes were what they called middle-thanes, because there being others of an inferior degree, these were in the middle class. If they held lands of the king himself, they were inconsiderable, and generally, what they possessed was held of the earls or barons. The Normans gave them the name of vassals, and their lands vassalries. The signification of this word, may, I think, be expressed by that of under-tenants ². The third class of thanes were such as held their lands of the middle thanes, or vassals. These were not ranked among the lesser nobility. They were properly such as lived upon their own estates, and being of no profession, were distinguished from the meaner sort of people. If I am not mistaken, to these belonged particularly the title of gentlemen, whereas the middle thanes were in the same rank with the present knights and squires. I am very sensible,

Selden.

¹ It is the common opinion that the barons after the conquest, were the same with the thanes in the Saxon times; but upon examination it will appear otherwise. The word thane occurs not in the oldest Saxon monuments, and their original seems to be this. When time had polished the Anglo-Saxons, many offices that the great men discharged at first in their own persons, were for ease and grandeur by them devolved on others. And, as in those days there was but little money, such persons were rewarded for their services, by having land given them. Such lands were called tain-land, which paid no rent, the superior having the tenant's service in lieu of it. Thus a great lord's chamberlain, hawker, hunter, were called his thanes. These thanes were divided into greater or lesser, only differing in this, that the greater held of the king, and the lesser of some subject. Hence it appears, that the thanes were no other persons than those the Normans called tenants by serjeanty; when

the service was of a publick nature, that is, if land were given for the service of high-steward, or marshal of England, such gift and service was called grand serjeanty; but if for service of steward of the household, master of the horse, these respecting only the person of the king, such services made only a tenure of petit-serjeanty. Now the first of these only, as holding on the publick, were ranked among the barons. Serjeanty is French for servitium, so that thanes and serjeants mean the same thing, viz. ministers or servants. See St. Amand, p. 112.

² The vassals in Lombardy, from whence they seem originally to come, were inferior to the capitanei, these last comprehended dukes, marquises, counts, and other great titles; but the vassals were such as were invested, either by the sovereign or some duke, count, &c. with some territory of feudal command, without any of those titles. So that vassal means as if, *validus vassallus*, or powerful sort of vassal. See Selden, tit. of hon. p. 488.

several

several are of opinion, the title of gentleman is equivalent to that of nobilis, and consequently, they were a part of the nobility. The affinity between the words gentleman and gentilhomme seems to countenance this opinion. I intend not to dispute this pretension with them. I shall only observe a remarkable difference between a gentilhomme of France, and a gentleman of England. In France there being but one body of nobility, every gentilhomme is a member of that body, and no less noble than a duke. But a gentleman in England can at best be ranked but in the second order of nobles, that is, among the lesser nobility or gentry. Besides, in England, abundance of people of very mean birth are called gentlemen, who most certainly in France, would have no right to be styled gentilshommes.

The lowest order among the Saxons, I mean of freemen, ^{The ceorles,} was that of the ceorles, that is, merchants, artificers, countrymen and others. Hence no doubt is derived the word churle or carle, a name given by way of contempt to people of mean condition. The ceorles were equally free as to their persons, with the thanes of the third class, however with this difference; the thanes held such estates as were called bocland, conveyable by deed or otherwise, upon paying a certain sum to the lord: but the ceorles were possessed only of what they called socland, or lands of the plough, which they could not alienate, because they were properly but farmers. Among the ceorles, those that held this sort of lands were distinguished from the rest that were poor, and had none of these possessions, or exercised some trade for their livelihood, by the honorable name of soemen. In general, all under thanes and above slaves were in the rank of ceorles, who [as to their persons, though not lands] were as free as the caldormen and thanes themselves. They might arrive at the dignity of a thane of the third class, if they so thrived as to possess five hydes of land, a house with an inclosed court, a kitchen, a hall, and a bell to call their domesticks together.

Selden

* The lands among the Saxons, were distinguished into bocland and socland, (and not socland, as Rapin says.) The bocland, or hereditary lands, were possessed by the nobler sort, free of all services. These were divided into two sorts, inland and outland. The inland was that which lay next or most convenient for the lord's mansion house, and therefore was kept in their hands for support of their family. This was

managed by the bondmen and slaves, and was afterwards called by the Normans, terras dominicales, the demeans, or lord's land. Outland was that which lay beyond the inlands or demeans, and was granted out to any tenant hereditarily, but at the pleasure of the lord. Part was disposed among such as attended their lords either in war or peace (called theodens, or lesser thanes) after the manner of knights-

tees,

Of bond-
men two
sorts.

Selden thinks a hyde of land was such a quantity as could be managed with one plough¹.

The lowest order of men were the slaves or bond-men, of whom there were two sorts; such as were really slaves, who, possessing nothing of their own, worked only for their lords, by whom for that reason they were maintained. The others, who were properly servants, had small holdings at the will of their lords, for which they did all the servile country works that were set them. As for the original of these slaves, some think they were the descendants of the meaner sort of Britons, who submitted to become slaves, to save their lives during the fury of the first Saxons in England. Others are of opinion, they came from the slaves brought into the island by the Saxons. However this be, these [prædial] bond-men, not quite so much slaves as the others, managed their lords lands, from whence they reaped some advantage themselves, without having the liberty of quitting the place of their abode, and settling elsewhere, unless with their lord's consent. They were afterwards called villains, that is, villagers, from the villages where they lived and worked. We still meet in several parts of Germany, with such sort of peasants, who are subject to great drudgery, and generally are treated very harshly by their lords. When a slave had his freedom, he was immediately ranked among the ceorles, the freedmen not constituting, as some pretend a new order of men. It is true they were called freolætan; that is, freedmen: but it was only to distinguish them from those that were free-born, who however had no peculiar privilege. Among the Anglo-Saxons, the lords had not the power of life and death over their slaves. Nay, the laws provided, they should not cripple or maim them without incurring a penalty. They who made such laws, imi-

feces. The other part was allotted to husbandmen, who were termed ceorles, and were to pay their lord a certain portion of victuals and things necessary for hospitality. This rent was called *scorm* or *farm* (a Saxon word signifying meat or victuals) which ever since Henry II's time, has been changed into money, though we still retain the word farmers. These outlands were what they called *folcland*. The word *lord* is a contraction of the Saxon *hlaford*, i. e. a giver of bread, a maintenance, because they granted to their ceorles or *foemen*, land sufficient to sup-

ply themselves and families with bread and necessaries. *Soc* signifies in Saxon, a liberty of judging and determining causes within the precinct of the *soc* or manor. Hence *soemen* were those that owed suit to the lord's court, or *hall-mote*, where the lord determined all differences between his men in their civil rights; and also punished criminals with the advice and consent of his freemen. Life and death were at first within the jurisdiction of the *hall-mote*.

¹ See vol. I.

tated

tated in some measure the law of God, without knowing it*.

All the king's subjects, except slaves and villains, were *Freeholders*, freedmen and freeholders. But though earls and barons, or thanes might included under this general appellation, yet by *freeholders* is commonly meant the thanes of the second and third classes, with the *ceorles*.

The inhabitants of towns, who were called *burghwitan* or *Burghers* ^{and aldermen.}, had the privilege of being governed by magistrates chosen out of their own body, to whom was given the title of *aldermen*, and of forming a society, from whence is derived what is called in England a corporation*. This privilege was granted them for the encouragement of arts, and especially of trade and commerce, which was justly deemed of very great advantage to the state. For the farther encouragement of trade, it was also enacted by law, that if a merchant crossed the wide sea three times, he should be honoured with the title of *thane*, and admitted to all the privileges of that order. I do not know what is meant here by the wide sea, unless it be the German ocean, since in those days, America was not discovered. From the time of the Saxons, merchants have been in great repute in England, since we find such as distinguished themselves in trade, are frequently honoured with knighthood by the king.

Having now gone through the several orders and degrees of men among the Anglo-Saxons, I shall in the next place, consider how they were governed, and chiefly the method of administering justice. To this end, it will be necessary to speak of the different courts they erected in England, where-

* There were in England two sorts of villains, a villain in gross, who was immediately bound to the person of his lord, and his heirs. The other, a villain regardant to a manor, that is, belonging and being annexed to a manor. There are not truly any villains now, though the law concerning them stands unrevoked. The successors of the bondmen or villains are the copyholders, who, though time has dealt favourably with them in other respects, yet they still retain one mark of their original servitude. For as of old villains were not reckoned as members of the commonwealth, but part and parcel of their owner's substance, so were they therefore excluded from any share in the

legislature, and their successors still continue without any right to vote at elections, by virtue of their copyholds.

† After lands were appropriated and become estates of inheritance, necessity obliged many people to devise ways and means for ministering to the occasions, ease and pleasure of the rich, to obtain by such services a maintenance to themselves. Hence arose the invention and encouragement of arts and sciences. This laid the foundation of the many cities or burroughs which were formed throughout Europe, which formerly in other kingdoms, as well as in England, by being necessary and useful became considerable. St. Amand. p. 132.

by

THE HISTORY

by will be seen the origin of the several courts of justice now in that kingdom.

The courts of justice.

I Have already observed in the life of Alfred the great, that this prince divided England into shires, the shires into trythings, laths, or wapentakes, these into hundreds, and the hundreds into tythings. However, it must not be imagined that, in this division, he introduced something entirely new to the English. He only settled the bounds of the former divisions, making some alterations for conveniency's sake. At least, as to the division of the kingdom in shires, it is certain he only proportioned it in a better manner than before. This is evident from there being earls of Somersetshire and Devonshire in the reign of Ethelwulph, as Asser relates, who lived about that time. But Alfred uniting all England into one monarchy, made a more exact and extensive division of his dominions. The shires contained a whole province subject to the jurisdiction of an earl or count, and therefore were also called counties. Some of these shires being divided into trything, others into laths, and others into wapentakes, each of these divisions, which were the same thing under different names*, consisted of three or four hundreds of families, and each hundred was subdivided into tythings. The courts of justice were formed with respect to these several divisions, that is, there was a court for each tything, hundred, &c. to the end justice might be administered with less charge, greater dispatch, and more exactness.

The tything court.

The lowest of these courts was the tything court. It consisted of ten heads of families, who were mutual sureties for one another, as each of them in particular was for all that were under him †. Every subject in the kingdom was registered

* The wapentakes are the same as the hundreds, and not as the laths, or trythings, as Mr. Rapin seems to think here and elsewhere. This word is still in use north of the Trent.

† By ten families we are not to understand ten house-keepers, but ten lords of manors, with all their vassals, tenants, labourers, and slaves; who, though they did not all live under their lord's roof, were all counted part of his family. As there were no little free-holders in those early times, nor

for long after, ten such families must occupy a large space of ground, and might well constitute a rural tything. In like manner the town tythings or burroughs consisted not of ten shop-keepers or traders, but of ten companies or fraternities, called in Saxon, guilds: perhaps some more eminent than the rest might employ great numbers of artificers, hirelings or slaves; and if we understand by ten families, ten such, we may well conceive they constituted towns or burroughs. Ever-

gifted in some tything. Only persons of the first rank had the privilege that their single family should compose a tything, for which they were responsible. Each tything had a president, styled tything-man, or burg-holder, who took care to hold a court, when occasion required. The method of proceeding was as follows.

If any person accused of a crime, refused to appear, the other nine sureties were bound to see him forth-coming to justice. If he ran away, he was not suffered to settle in any other town, burrough, or village; because no one could change habitation, without a testimonial from his tything, for want of which, they that received him were punished. By the laws of king Edward, the tything had thirty days * allowed them to search for the criminal. If he was not to be found, the tything-man, taking with him two of his own, and nine of the three next tythings †, these twelve purged themselves by oath of the offence and flight of the malefactor. If they refused to swear, the tything the offender belonged to, was obliged to make satisfaction in his stead.

This court frequently met, as well to decide the differences among the members of the tything, as to concert measures against such, whose behaviour created a suspicion of their committing some crime, for which the rest might be in danger of incurring the penalty. In this case, the suspected person was obliged to find particular security for his good behaviour, without which he was confined. This court was a terror to people of mean condition, as they saw they could not commit any offence with impunity. Before this order was established, the meaner sort of people might easily shift their quarters by reason of their obscurity, which prevented them from being taken notice of. But it was impossible for them to change their habitation, after they were obliged to bring a testimonial from their tything, to enable them to settle or be registered in another.

ty tything was as it were a little republic which exercised a judicial power within the precincts of its own territories, and differed from a shire in nothing but extent of ground and number of inhabitants. For as the earl presided in the general assembly of every county, so there was one chosen annually out of the ten to preside in the tything court. These presidents were called *spicietes*, and by the Saxons, *vires*. After the conquest, these presiding officers were made for life, for

the sake of the Normans, who would not otherwise be chosen, and instead of wites were called barons, and the ten manors, or tything, they presided over, an honour or barony. But the town-tythings or burroughs remained on their ancient foot, and chose their president yearly. Vid. St. Amand. Essay on legislative power of England.

* One and thirty days.

† That is, of each the chief tything-man and two others.

Hist. de los
Ritos y
Costumbres.
De la China,
l. 3. c. 10.

These ten heads of families, of whom the tything consisted, were called free-burghs, that is, free-pledges, burgh signifying surety or pledge. Hence the word neighbour, which originally signifies a near pledge. In all appearance Burman, which signifies a neighbour among the Dutch, is derived from the same source, I mean, from the same custom which was observed in Germany, and served for a model to king Alfred. We find in the history of the customs of China, written in Spanish by John Gonzalez de Mendoza, an Augustin Monk, that the like custom is now in use in that empire. The likeness is so perfect between what is practised by the Chinese and the Anglo-Saxons, with respect to these tythings, or mutual pledges, that it is wonderful, how two nations so remote from each other, and between whom there was never any communication, could thus have the same thoughts.

The hundred court.

The next court was that of the hundred. It was held once a month, and had for president one of the most noted aldermen of the hundred. The bishop or archdeacon was obliged to sit with him, to determine with the other judges, all matters ecclesiastical and civil relating to the hundred.

Trything-court.

The third court was that of the trythings, laths, or wapentakes, according to the name given these divisions in the several counties. Here were decided the causes between private persons, belonging to different hundreds of the same trything or lath. Besides this court, each thane of the first rank, or baron, held one like it, wherein he determined the controversies between his vassals. From whence the present court-baron takes its original.

Lambard.
Dugdale.

The shire-gemot or folcmote.

But when a suit commenced between persons of different trythings, it was brought to the county-court, called in Saxon, shire-gemot, or folcmote, which was held twice a year, or oftener, upon occasion. Herein presided the bishop and the earl or ealdorman; but in the absence of the earl, the high-sheriff, or viscount supplied his place. In this court were registered all the tythings of the county, with the names of the members. Ecclesiastical causes were tried generally in the first place; next those the king was concerned in; and lastly, such as related to private persons. William the conqueror dispensed with the bishops sitting in this court, and

^b The trything was a third part of the county, some footsteps of which ancient division still remain in the ridings of Yorkshire: for east-riding, west-

riding, and north-riding, are manifest corruptions of east-trything, west-trything, and north-trything.

granted

granted them the privilege of holding courts of their own for the determining ecclesiastical matters. Appeals lay from the tithing, hundred, or trything courts, to the shire-gemot. Here also all persons of what rank soever were to take the oath of allegiance to the king.

How great soever the power of this court was, there was one above it, which they called the king's-court, because the king himself presided there in person, or in his absence, the high-chancellor. In this court were examined the judgments of the inferior courts; and it was apparently this court that condemned the four and forty judges put to death by Alfred's order, as has been related in his life. From this court the common-pleas and king's-bench derive their original.

I come now to the great court, or assembly general of the kingdom, called in Saxon, wittena-gemot, or mycel synod. As there are great disputes about the existence, origin, nature, and authority of this assembly general, it will be proper in this place, to set forth the various sentiments concerning these matters, with the reasons and answers of such as maintain the contrary opinions. For my part, as I am wholly unconcerned in the decision of the questions formed upon this subject, I shall content myself with stating fairly and impartially the reasons alledged on both sides. To proceed regularly, I shall divide this matter into four heads, which will comprize whatever has been said of moment on this point. First, the original of the wittena-gemot. Secondly, who were the members of this great council. Thirdly, their authority, and the affairs there debated and concluded. Fourthly, their power in ecclesiastical matters.

I. *The origin of the wittena-gemot.*

THERE are who believe, the wittena-gemot, or parliament, to be of later date in England than the royal power, and to owe its original to the concessions of the kings. They pretend, the sovereign having from time to time, freely summoned the chief men of the nation, to consult with them about important affairs, this at last was turned into custom. That in process of time, the people improved some favourable junctures, claimed, as their privilege, the right of having a parliament, though at first it depended entirely on the king's pleasure, whether he would consult it or not. The main reason they ground their assertion upon, is, that till Edward the confessor, England was hardly ever,

I. opinion that the wittena-gemot is owing to the concession of our kings.

or but for a little while, united into one state. During the heptarchy, it was divided into several kingdoms, which made so many distinct states. Of these kingdoms, Egbert united but four, whilst the other three remained separate. Afterwards, the Danes became masters of Northumberland, Mercia, and East-Anglia, and shared the lands amongst them. So that from the Saxon conquest to the second Danish invasion, we do not find, England was united into one body, but during the short reigns of Edwy, Edgar, and Edward the martyr. However the government did not long continue in this posture. The Danes renewing their ravages in the reign of Ethelred II. England was quickly divided in two parts, whereof one was subject to the Danes, the other to the English. It is true indeed, after the death of Edmund Ironside, the kingdom was reunited under Canute the great ; but this union ended with his reign, and the kingdom was once more divided amongst his sons. In a word, it is maintained, that England was never thoroughly united into one kingdom till the time of Edward the confessor. It is moreover pretended to be shown, from the several sorts of laws, namely, the West-Saxon, Mercian, and Danish, that this heptarchial government is all a chimera, and consequently the present parliament cannot take its rise from an assembly-general of all England, which never had a being during the dominion of the Saxon kings.

To this it is answered, they who talk thus, confound two things which ought carefully to be distinguished, namely, the wittena-gemot or particular parliament of each of the kingdoms of the heptarchy, and that of the seven kingdoms together, as making but one body and one state. Though this last never existed, yet might the present parliament derive its original from the other. On supposition that each kingdom had its own wittena-gemot, those of Suffex and Wessex became one, when these two kingdoms were united under Ina. Afterwards, when Egbert annexed to his own kingdom those of Kent and Essex, the four kingdoms of Wessex, Suffex, Kent, and Essex, made but one state, and consequently had but one parliament. In proportion as this kingdom was enlarged by the conquests of Alfred the great, Edward and Athelstan, the wittena-gemot increased in its members, and at length comprised all England in the reigns of Edwy, Edgar, and Edward the martyr. Indeed, in the reign of Ethelred II. the wars with the Danes broke in upon this regulation, and England was divided in two parts. But under Canute the great, the kingdom was once more united,
and

and consequently there was but one and the same wittena-gemot, which was again divided in two, though but for a short space, under Harold and Hårdicanute. In fine, after Harold, by the interest of earl Goodwin, was put in possession of the kingdom of Wesslex, there was but one wittena-gemot in all England, till the Norman conquest.

To prove therefore that the present parliament derives not its origin from the wittena-gemot of the Saxons, either the time must be assigned when parliaments first began after the conquest, or it must be denied, there was ever any such thing as a wittena-gemot in each of the seven kingdoms of the heptarchy. The former of these is hardly possible, unless bare conjectures are allowed instead of solid arguments. As for the latter, the assertors of the antiquity of parliaments produce, against such as deny the being of the Saxon wittena-gemot, several proofs which they look upon as demonstrative. The first is taken from the title of the laws of Ina king of Wesslex, wherein are these words: I Ina, by the grace of God, king of the West-Saxons, with the advice of Cenred, my father, Hedda, my bishop, with all my ealdormen, seniors, and wise men of my nation, willing to establish good order in the state, have ordained, &c. Hence it is plain, that Ina in making his laws had the advice of the assembly-general of Wesslex. That the same method was established in Mercia, is shown from Bertulph's charter to the abbey of Croyland, wherein are these words, with the unanimous consent of the present council assembled at Kingbury, to debate on the affairs of the nation.

In this charter, after the bishops and lords had set their hands, the king subscribed in this manner: I Bertulph, in the presence of all the bishops and great men of my kingdom. This is a clear evidence that the charter was granted in the assembly-general or wittena-gemot of Mercia. The same might be shown, with regard to each of the other kingdoms: but, say they, the case is so evident as not to admit of dispute.

They pretend likewise to prove, there was a general wittena-gemot of the seven kingdoms, from the very name of heptarchy, which implies that the seven kingdoms had something in common, and consequently, there was an assembly, where their common affairs were considered. For instance, how could the monarchs or generals for the seven kingdoms be elected, if there was not an assembly for that purpose? Moreover, they pretend to have more direct proofs, of the holding from time to time such assemblies for the common

Proofs for a wittena-gemot in each kingdom.

The proofs of a general wittena-gemot of the seven kingdoms.

affairs of the seven kingdoms. Several historians assure us, there was a general assembly held in Gloucestershire, where Ina king of Wessex was chosen monarch of the Anglo-Saxons, by the interest of Sebba king of Essex, who was present with all the other kings. They produce also from Ingulphus, Witglaph king of Mercia's charter, where are these words: in the presence of Egbert king of the West-Saxons, of Ethelwulph his son, and of the bishops and great lords of England, assembled at London. Hence it is plain, this assembly convened at London, and composed of all the bishops and great men of England, was a general wittena-gemot of the nation.

The answer to the objection from the diversity of the laws.

In answer to the objection taken from the diversity of the laws then in England, it is said, it is not at all strange, that Mercia and Wessex, being two distinct states, should have different laws; much less, that the Danes should establish their own laws in their conquests^c. But it is maintained, it cannot be reasonably inferred, from this diversity, that there was no such thing as a wittena-gemot in each kingdom, or a general one for all the seven. This inference would be as absurd, as if a man, from the different laws and customs in the United Provinces of the Low-Countries, should conclude there was neither a convention of the states in each province, nor an assembly of the states-general.

To strengthen all these proofs, moreover is urged the conformity in this respect between England and the other European kingdoms. The Saxons had the like assemblies in Germany: the Ostrogoths, and after them, the Lombards in Italy: the Franks had their fields of mars or of may^d, their fanes, their parliaments: and the Spaniards their cortez.

This conformity plainly shews, there was no other form of government then in Europe. It is further added, that to deny with any foundation these assemblies to be as ancient as kingly power, it must be shown who are the sovereigns that first established them in each kingdom. But how came it to pass, that all the kings in Europe should agree together at the same time, to become so very gracious and condescending to their subjects? There is doubtless more reason to sup-

^c See note in the reign of Canute the great concerning this threefold distinction of the laws.

^d Campus Martii, & Madii vel Mages, comitia publica, seu generales conventus quos solebant primi francorum

reges quotannis circa anni principium & martio mense indicere, qui in patenti campo & sub dio peragebantur, ex quo campi Martii vulgo appellantur, a scriptoribus. Greg. Turon. l. 2. hist. Fran. c. 27.

pose they would have all joined in abolishing, rather than in granting, a privilege of this nature.

II. The constituent parts or members of the wittena-gemot.

ALL agree, the greater nobility were members of the wittena-gemot. By the greater nobility, I mean the ealdormen and thanes of the first rank, afterwards styled earls and barons. But the difficulty is to know, whether the thanes of the second and third classes, and the ceorles, of whom the house of commons at present consists, had a right to sit there by their representatives or not. Tho' this inquiry seems to be of little moment, at a time when the commons incontestably enjoy this privilege, yet it is not entirely needless to know, whether they usurped it: whether it was given them by the concession of the kings: or whether it is of the same standing with the monarchy. How undeniable forever the right of the commons may be at present, there are some who are persuaded it would be of dangerous consequence to acknowledge it to flow from the condescension of the sovereigns, lest the same power that is supposed to have granted it, should think of revoking it when a favourable opportunity offered*. And indeed this is the true motive of all the attempts to prove, the commons have not been all along in possession of this privilege. It is but too apparent, this question has been started only to gratify such of the kings as have endeavoured to stretch the royal prerogative beyond its due bounds.

Be this as it will, they who maintain the commons had no right to sit in the wittena-gemot, in the time of the Sax-
on kings, alledge for their first reason, that the under-thanes and ceorles were not proprietors of lands. Whence they infer, it would have been of no use to the commons to have a place in these assemblies, whose sole business was to regulate the affairs of a country which properly belonged to the king and the nobility. They add, it is incredible that the nobles of the first rank should agree to make their vassals their companions: that since in the distribution of their lands they were at liberty to give them on what conditions they

First argument against the commons.

* This is what happened in the reign of king James I. this prince having often giving the commons to understand, that he thought it in his

power to revoke their privileges, which, in his opinion, had no other foundation than the concessions of his predecessors. Rapin.

pleased, it is not at all probable they should place the tenants in the same rank with the lords. To render this opinion more probable, they say further, it is not to be imagined, that in those days the people were upon the same foot as at present; that although they were free, their freedom was confined within narrow bounds; that the superiority of the nobles over them was vastly greater than at this day, and for that reason the people were little regarded: they served in the wars for foot soldiers, who were looked upon as servants. Accordingly they had the name of Knechten [that is servants] given them.

Answer to
the first ar-
gument.

To this the assertors of the rights of the commons reply, that since the nobles, who held their lands of the king, had a right to a place in the wittena-gemot, the commons, who held their lands of the nobles, might very well have the same privilege too. The reason alledged in the objection not holding good against the lords, ought not to be of more force against the commons. They add, that the main business of the general council was the making laws as well for the people, as for the nobility; the settling the rights of the subjects; the preserving peace in the state; and the raising taxes; whereof the people paid the largest share. Hence they infer, it was very natural, and extremely consonant to the custom of the Saxons, that the people should give their consent to all those things that concerned them no less than the nobles. In a word, they say, if the people assisted not at the debates of the great council, it is not to be conceived whence should proceed the great care of securing their rights and liberties, and preventing their being oppressed by the great. It is well known that men, especially the great, are not wont to labour so heartily to lessen their power, but rather endeavour to increase their authority as much as possible.

But as this point, being a matter of fact and not of right, cannot be decided by bare reasonings, both parties endeavour to support their opinions with more suitable proofs, namely, authorities. To this end, each side lays great stress upon certain terms in the charters of the Anglo-Saxon kings, and upon certain expressions in the historians, who speak of the government of those days. It will be necessary therefore to produce some of these proofs, for the reader's better understanding the question, and to enable him the better to judge of the reasons alledged on both sides. I shall begin with what is urged against the commons, or their representatives, being members of the general assembly.

In

In the first place it is said, the very name of wittena-gemot plainly implies, that the great council consisted only of such as were styled wittan. Now it is pretended, the precise meaning of that word is majores natu, seniores, ealdormen, by which are understood only the earls and barons, or in the language of the Saxons, the ealdormen and king's thanes, spiritual and temporal. To make this appear, a passage is cited out of Bede's ecclesiastical history as translated by king Alfred. Bede says, king Oswald applied to the majores natu of Scotland for a bishop; and Alfred has rendered the terms, majores natu by ealdormen. The same historian says, *Bede, l. 3.* ing in the same place, that Oswald made use of suis ducibus & ministris for interpreters; Alfred has translated these words by, his ealdormen and thanes. Hence it is inferred, that the term wittan is to be understood only of ealdormen and barons, or in general, of the chief men of the nation. And accordingly it is concluded, the wittena-gemot, or assembly of wise men, consisted only of such. This explanation of the word wittan is farther confirmed, by the historians rendering it in Latin by principes, optimates, proceres, magnates, duces, comites, præpositi, ministri regis, nobiles, milites, which can by no means be understood of the people, or their representatives.

They who are of the contrary opinion, alledge, in their turn, the same authorities to prove the greater nobility were not alone summoned to the national council. They pretend, these very expressions, on which their adversaries ground their opinion, are not to be so restrained to the nobility, as to be unapplicable to the magistrates and chief men among the people. To prove what they advance, they cite numberless passages from the Latin authors, where the words principes, nobiles, milites, are to be taken in that sense. *Answer to this proof.*

To this the others reply, the word people may be understood in two different senses; first, as it signifies a nation in general, in which sense they own that by magnates, proceres, nobiles, &c. may be meant the chief men of the people, or of the whole nation. The other sense of the word people is more restrained, and signifies only a part of the people, as separate or different from the nobility, as when one says, the nobles and people. This is the meaning in question, to which it should be proved that the cited passages can be applied. Now this is what they think impossible, affirming, there is no such thing to be met with in the Latin authors, as optimates plebis, but always populi, that is, of the people in general. But supposing it were true, that these expressions *Reply of the first.*

Mercia, Edmund king of East-Anglia, and of abbots, abbesses, dukes, earls, and great men of the whole kingdom, and other faithful subjects, a great multitude, who all approved of this royal act, to which the dignified persons subscribed their names. It is pretended, since the great men only signed the charter, their approbation alone was necessary. Besides, what can be the meaning of a great multitude of faithful subjects? was it the whole body of the people? this they won't say, who maintain that the commons sat in the wittena-gemot by their representatives, as they do at this day. And indeed, this great multitude cannot well be applied to a very limited number of representatives, but may very aptly be used to denote crowds of people, got together to make acclamations. In fine, it is observed, that in all the forecited passages, a forced meaning is given to the term, fideles, to make it signify the representatives of the commons, since that word is applicable to all subjects in general, as well to the body of the nobles as of the people.

Another argument for the commons.

To come therefore to more direct proofs, the favourers of the commons alledge other passages, where they pretend the meaning of these terms is fixed to the representatives of the people, by the word procuratores. In a charter^f, dated 811, it is said, Cenulph king of Mercia assembled, for the dedication of the monastery of Winchelcomb, the great men of the kingdom, the bishops, procurators, &c.

Answer.

To this it is answered, that the dedication of a church and monastery was the only business in hand, for which purpose Cenulph had assembled a multitude of people, and particularly such as were distinguished by their birth or offices. But supposing it to have been a real wittena-gemot, the term, procuratores, is too undeterminate to denote the representatives of the commons, unless it be joined with some other word that fixes its signification.

Reply for the commons.

To refute this objection, a charter is produced by the other side, where they maintain, the term procuratores must be understood of the representatives of the people. This charter, granted by king Athelstan^g, concludes thus: granted at the royal vill Ætwelepe, in the presence of the bishops, abbots, dukes, earls, and patriæ procuratoribus. Now, say they, who can these patriæ procuratores be, but

The answer. the representatives of the people? But they who are of the

^f In the annals of Winchelcomb in the Cottonian library.

^g To the abbey of Abbingdon in 931,

which charter is entered in the great register that belonged to that abbey, and is now in the Cottonian library.

contrary opinion, say, this is only a bare conjecture, which can be of no force, unless this expression be shown to be common at that time.

Lastly, a proof is alledged in favour of the commons, that ^{The last argument for the commons.} ~~seems to be stronger than any of the former.~~ It is said, there are now several hamlets ^h, that send representatives to parliament, which right must have been received in the time of the Saxon kings, when they were considerable cities or burroughs. Indeed, it is very improbable this privilege should be granted them after they made so despicable a figure in the kingdom.

To evade this argument, it is replied, it cannot take ^{The answer.} place, unless it be proved that these burroughs, now become hamlets, were gone to decay before the conquest. They add, that even this would not be sufficient, because very possibly they might have been rebuilt and destroyed again during the civil wars, England was so often troubled with, after the commons were in possession of the right of sending representatives to parliament.

To all these arguments alledged in behalf of the commons, it is added as a favourable precedent, that in all the other states in Europe, the people were summoned to the general assemblies. Though hitherto I have only related the reasons of both parties, I cannot help remarking upon this last, that it is groundlessly alledged, without pretending however to weaken the rest. And this I shall plainly show, at least with regard to France, by the authority of three writers, who are looked upon as thoroughly versed in the customs of that kingdom.

The first is Mezerai, who, discoursing of this subject, says, ^{Mezerai abstract, &c. of the customs of the VIIIth century.} "I meet with three sorts of assemblies in those days; the general courts of the provinces; the champs de mai, at which were present the seniores and majores natu of the people, where military affairs were chiefly debated; and the conventus, colloquia, parliaments, where the bishops, abbots, and other great men met to make laws, and regulate matters relating to the administration of justice, the civil government, and the publick revenues, &c. The two last assemblies were confounded in one." In the opinion therefore of this historian, none but the great men were members of the parliaments. But since it may be objected, that by the seniores and majores natu that assisted at the

^h Of which sort are Gatton in Shire and Cornwall, and other counties, and several burroughs in Devon-

champs de mai, are to be understood the representatives of the people, let us see what president Fauchet says upon this head.

Fauchet's
antiquities
of France.
l. vi.

This learned historian mentions a certain speech, shown him as made by Boniface archbishop of Mentz, where that prelate told Pepin, that the Gauls, omnium ordinum, of all orders and degrees, had given him the crown. "This speech, says the author, is most certainly spurious. First, because the Franks never called themselves Gauls. Secondly and principally, because of the words omnium ordinum; for at that time there was no talk either of orders or degrees, none but bishops, abbots, earls, nobles, having a place in the sanes, general courts, or parliaments, and the earls, commissioners, or church-advocates, to report the complaints of the people of their respective territories."

Pasquier,
recherches,
&c. l. 2.
c. 7.

Pasquier, the third writer, whose authority I would allege, expresses himself still more plainly and fully in this matter. His words are: "Although some, who pretend to be well versed in the history of France, believe the assembly of the states-general is of a very long standing, may found the liberties of the people upon it, yet is neither the one nor the other true. I am sensible, and ready to own, that formerly in Gaul, before the conquest of Julius Cæsar, there were general assemblies, which were continued by him under a pretence, familiar to the Romans, of leaving us in possession of our ancient rights and liberties. But in all these assemblies, you will find none of the common people, whom they looked upon as so many cyphers. In like manner, you will find, under the first and second race of our kings, solemn conventions which were called parliaments, the principal sinew of our monarchy. But to these were summoned only the princes, great lords, nobles, and dignified churchmen. Now in our assemblies of the three estates, not only the common people have a place with the clergy and nobility, but what is more, make the greatest and best part. Whence is it then, that within some centuries of years the commons have had a right to sit in our conventions, where are debated the affairs relating to the good of the nation in general. This is what I shall account for." Then he shows the reasons of the common people, or third estate, being first called to the parliaments, and fixes the original of it to the time of Philip le Bel, who began his reign in 1286. These are the testimonies of three very judicious writers, thoroughly versed in

in the history of France. So far therefore is the ancient practice of France from being a proof of the antiquity of the right of the commons of England, that it rather serves to weaken the same.

After seeing the arguments made use of for and against the antiquity of the commons right to sit in parliament, it is doubtless very surprising that both sides should be forced to dispute upon bare conjectures, and the meaning of certain terms in the translations of charters. One would think, in a matter of this nature, each side should produce more substantial arguments. However this be, the reader may now form his judgment upon what has been said, wherein I believe nothing material is omitted, of what has been alledged pro and con, though I have done it very compendiously.

But as the greatest part of the arguments used by both parties, are taken from the charters of the Anglo-Saxon kings, I shall make one remark, which ought to be considered before judgment is given upon this dispute. And that is, the authority of all these charters is questioned by such as are most versed in the English history. The reason they alledge for it, is, that in the time of the Anglo-Saxons, the use of charters was unknown in England. When the king made a grant to the church, or to any private person, he put them in possession by the delivery of a green turf, bough, or the like. Formerly, says Ingulphus, possession of lands was given by bare words without any charters or other writings. They only delivered to the donee, or purchaser, a helmet, sword, horn, cup, sometimes a spur, bow, arrow, &c. From this custom it is inferred, that the charters, alledged as granted by the Anglo-Saxon kings, were all forged long after their time. But as it may seem strange, there should be now so many charters bearing date before there was any such thing in use, a matter of fact is advanced, which, if true, shows the reason of such numbers being forged. It is affirmed, William the conqueror finding great part of the crown lands to be alienated, particularly to the monasteries, summoned the abbots to appear at his court, and produce the titles by which they held their estates. Some, who had nothing to plead but long possession, being dispossessed, because the king would allow no title good, but what was in form, great numbers of monks set about forging charters, to which they gave all the appearance of truth that was possible. In this manner they deceived that prince, and his Norman council, who were unacquainted with the history, language, and customs of the Saxons. Some produced their charters

Remark on
this dispute.

Observation
concerning
the charters.

History of
Croyland.
p. 70.

charters in Latin, but these were rejected, on account of the improbability the Saxon kings should make use of a language, little understood, and still much less used in their time. But whether this be true or not, it is however certain, several of those charters, which are by some thought authentic, were forged, and that long after their date. At least it was very difficult to be convinced by good arguments, that those from whence the testimonies to decide the present question are taken, are so ancient as the time of the Anglo-Saxons.

From what has been said, this appears to be a very intricate case. Neither is there any likelihood of its being ever set in a clearer light. Almost all the ancient monuments which might serve to unfold the difficulties were buried in the ruins of the monasteries, either before, or after the Norman conquest¹.

III. *The*

¹ As there are no Saxon monuments older than the establishment of Christianity, and but little light to be had from those that are after, recourse must be had to inference from those few truths that are known, in order to discover who were the members of the Saxon legislature. Now the most probable hypothesis seems to be this. Power results from and is the natural consequence of property or estates, and in all places where tyranny does not prevail, the persons who compose the legislature, derive that power from the interest they have in some lands, or else from some distinction of rank and order, which discriminate the members of a society. As therefore our Saxon ancestors in their own country, did all personally meet for the enacting laws; so after their coming into England all to whom the land was apportioned personally assisted in the Saxon parliaments, which were held at first, during the heptarchy, in open places capable of receiving all that had a right to be there, because there were no minute freeholders in those early days. By the feudal law all land-holders were obliged to attend at the feudal courts, and had a right to give their assent or dissent to any laws or orders there proposed: whence we yet retain the expression of the convention of the estates. After the union of the seven kingdoms, when

the exercise of the legislative power in the person of every individual became impracticable by reason of their remoteness and number, some change in the outward form was necessary in order to preserve the commonwealth on the same principles it was at first established; and as the whole kingdom was divided into so many little republics or tythings, some person out of every tything or burrough came to the wittenagemot, to take care of the concerns of the society he belonged to: these were called witen or wisemen, and were no other than the presiding judges or geresas of every tything, who were annually chosen, both in the rural and town tythings. As therefore the earls, bishops, and abbots (who were the presiding judges in the communities both ecclesiastical and civil, that the people were originally divided into) were undoubtedly members of the wittenagemot, so it is reasonable to think that the witan (who were the presiding judges in the lesser communities that were afterwards made) were so too. For it was but natural, when every individual could not appear in person, that the delegate or representative of each community should be the person, to whom they had by their own free choice given the precedence amongst themselves. Hence it is plain that the commons or land-holders were ever a part of the legislature: because

III. *The authority of the wittena-gemot, and the affairs there debated.*

THERE is no treating this subject with any clearness, without examining three questions, which are as warmly controverted as the former.

I. In

because though the earls perhaps might not be elective or annual officers, after the dissolution of the heptarchy, as they were before, yet the graves of the tythings, who were elective, being members of the Saxon wittena-gemot, the commons remained a constituent part of the Saxon legislature. Hence the Coades (who were the same as our farmers, only paying their rent in corn, hay, &c. instead of money) and also the thanes (who had lands assigned them by the king or great men in recompence for their service, and in lieu of wages, and consequently were no more than part of the family of him they had their lands of) were not members of the wittena-gemot, except such thanes, who held their lands of the crown for their service, which related to the publick. See p. 16, 17. note 7.) A wittena-gemot then was no other than an assembly of all the judging judges of the nation, earls, bishops, and wites, or the annual magistrates of the tythings and burroughs, who represented all the proprietors of land in their respective tythings. Thus matters stood till the conquest. King William I. having assumed the regal state as his own by right, treated all that had opposed him as rebels, and dispossessing them of their lands, distributed them amongst his own confederates, who held them of the crown by a service of a determined number of soldiers, in case of an invasion or rebellion, and they enfeoffed their own immediate followers with some portions of what was assigned to them under reversion of such service. These lands were called knights fees, (each fee was above twenty pounds a year then, which is equal to four or five hundred pounds now.) As the Normans were much inferior to the English in numbers, their business was to secure all the power they could in their own hands. Ac-

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cordingly, over most of the tythings was placed a Norman chief, whose power was to be the same as the Saxon gerefa, with this difference, that it was to be hereditary. These chiefs were called barons, and their estates baronies or honours. The conqueror to undermine the power of the Saxon earls, which he could not safely destroy, dismembered the barons estates in a manner from the counties, and made them recognize no superior but the crown. By which means there was no difference between an earl and a baron, but only in extent, the power of both (which was exceeding great) being the same over their vassals. As for the burroughs they were left in the same condition as in the Saxon times, and governed by annual magistrates of their own choosing. The conformity then between the Saxon wittena-gemot and Norman parliaments stood thus; the ecclesiasticks and earls were the same in both; the burroughs were represented in both by one of their own choosing, who was styled burgess, instead of wite, probably because the magistrate was not always chosen representative; and as the Saxon wites, or presiding judges of the tythings, were members of the legislature, so were the Norman chiefs, or barons, with this difference only, that as the first had their right by election and for a time, the others had theirs in succession. And as the Saxon wites served for their tythings, so the barons were intended by law to serve for the tenants of their baronies, which is the reason why they were exempted from contributing to the wages of the knights of the shire. Thus every spot of land was still represented; for as every part was within some tything in the Saxon time, so in the Norman every part of the whole kingdom was within some barony or some burrough. Things continued upon this solid founda-

C

dation

I. In whom was lodged the legislative power; whether in the king, in the great council, or in both together?

II. Whether the king had a power to tax the people without the consent of the wittena-gemot?

III. Whether the general assembly had a right to elect and depose the kings?

I. In whom was lodged the legislative power.

They who most stretch the prerogative royal, pretend, the legislative power was wholly lodged in the king. In proof whereof, they urge the terms made use of by the Saxon kings in their laws, by which they seem to declare themselves the sole enactors, without giving room to believe the general assembly had any hand in the matter. To this it is answered, though there is no mention in these laws of the consent of the great council, it does not follow, that their concurrence was not necessary; no more than it can be inferred at this day from our saying the statutes of king Charles I. or of king Charles II. that these statutes were enacted without the consent and authority of parliament. If we were literally to understand all the expressions used in speaking of, and to, the king, we should doubtless ascribe greater power to

dition during the reigns of William Rufus and Henry I. But the barons, who were so many petty princes, being divided in the civil war betwixt Stephen, Maud, and Henry II. each party treated those of the other side as rebels, which brought the possession of much land to the contending princes. And as each side had experienced the power of the barons over their vassals, and having besides many friends to remunerate, they split the baronies into smaller tenancies in chief, who all held immediately of the crown. Hence arose the distinction of fees of the old feoffments and fees of the new, and also of the greater and lesser barons. By granting thus small fees in the reigns of Stephen, Henry II. and king John, tenants in capite, or barons, were so multiplied, that a very unequal representation of the kingdom arose, these lesser barons having an equal share in the legislature with the most potent. This grievance being grown to the greatest height, when king John was reduced to reason, there was a clause inserted in his magna charta, whereby all the greater barons were to be severally

summoned to parliament, and the lesser in general, by which means these last were excluded from sitting in parliament singly and in person; but however the being summoned in general, gave them a right to do this as a community, and by representation; and as these lesser barons were co-ordinate in rank, the right of representing them naturally devolved on such of their body as the rest conferred it on. The persons so chosen, were called from the tenure of their lands, and from their representing the respective counties for which they served knights of the shire. These were to be chosen at the county courts, where none but the immediate tenants of the crown (the lesser barons) came, and none other had votes till, by the eighth of Henry VI. all freeholders of forty shillings per annum had a right to vote at the election of knights of the shire. Thus we find both before and after the conquest, all proprietors of land had a share in the legislature. The reader may see these things more at large in St. Amand's essay on the legislative power, &c.

hisa

him than he is actually invested with. But to give more direct proofs, that the authority of the wittena-gemot was necessary in making new laws, several testimonies are produced, shewing that the kings acted nothing in this respect, without the consent of the estates. Among the many that are alledged, I shall only choose a few, and insert the substance of them.

In the title of the West-Saxon laws published by king Ina, it is said, they were made with the advice and consent of the bishops, great men, earls, wise-men, seniors, and people of the whole kingdom.

Egbert, says in one of his charters; I Egbert, king of the West-Saxons, with the permission and consent ^k of our whole nation, and unanimous advice of all the great men, &c.

But seeing it may be objected, that this is a charter and not a law, the testimony of king Alfred is alledged, who, in the title of his laws, speaking as if he acted by his sole authority, concludes with these words: I Alfred, king of the West-Saxons, shewed these laws to my wise-men, and they said, they all liked, or, were pleased, they should be observed.

At the end of Athelstan's laws, we have these words: all these things were confirmed and ordained by a general assembly, or synod, held at Graetly, at which was present archbishop Eln, with all the great men king Athelstan could assemble.

The title of some other laws made by this king, runs in this manner: these are the laws that were instituted by the wise-men at Exeter.

Much the same expression is prefixed before the laws of Edgar and Ethelred II.

In a charter of Canute the great^l, we have these words: I Canute, king of the whole island of Albion, and many other nations, by the advice and decree of the archbishops, bishops, abbots, earls, and all my other faithful subjects, have ordained, &c. This authority is of the greater force, as Canute, ascending the throne by right of conquest, would not probably have sought the concurrence of the estates, had he not found it customary so to do.

In a word, it is pretended, if some of the kings express themselves in such a manner, as would induce one to believe they acted by their sole authority, in the promulgation of the

^k Cum licentiâ & consensu. Great register of Abbingdon, before-mentioned;

^l To the abbey of St. Edmundsbury,

now in the office of the king's remembrancer of the exchequer.

laws, their words are not to be taken in the literal sense. The reason is, these expressions are explained and limited by those of some other kings, who owned, they acted in concert with the wittena-gemot. Now there is no likelihood, sovereign princes would ever acknowledge their power to be limited, if it was not so in reality. If any one will insist upon this sort of expressions, which seem to imply that the kings make laws without the consent and approbation of parliament, it may by the same method be proved, that the king at this very day is invested with an absolute power in this respect. And indeed, in some certain acts, which are presented to him by the parliament, he says, that he wills and requires, though it is well known, his will would be of no force, unless preceded by the consent of the two houses.

II. Raising
taxes.

The same reasonings and reflections occur with regard to the second question, or the imposition of taxes. If the Saxon kings seem in some passages to levy taxes by their own authority, we are to understand, it was not till after the previous consent of the estates, as we find upon other occasions.

I shall not insist here on the third question, concerning the electing and deposing of the kings, because I intend to treat of these points under the article of the succession.

IV. *The authority of the wittena-gemot in ecclesiastical matters.*

BEFORE the Anglo-Saxons embraced the christian religion, one of their fundamental maxims (ascribed also by Tacitus, to the ancient Germans) was, that all important affairs relating to the whole nation, were brought to the general assembly, where they were debated in common, that they might be settled with the unanimous consent of all that had a right to vote. It is no wonder therefore, that religious affairs were regulated in the wittena-gemots, as I have elsewhere observed, since they are of the greatest importance to mankind. Accordingly, Edwin, king of Northumberland, being desirous, after his conversion, to establish the christian religion in his dominions, did not undertake it till he had consulted his wise-men, that is, his wittena-gemot, as Bede relates it. The maxim, that no laws are binding but what the whole nation has consented to, has all along been looked upon in England, as the foundation of liberty, and the basis of government.

Ecclesiastical affairs may be ranked in two classes. First, such as relate to the clergy alone, as making a distinct body from the laity. These were left, as they now are, to the sole management of the ecclesiasticks, who held their councils or synods, where the laity had nothing to do. Secondly, such as concerned the body of the people, as christians. These were regulated in the mixed councils, consisting of the chief men of the clergy, and the nobility. Herein, the rules of equity were perfectly followed. It was not thought just to enact civil laws, that were obligatory to the clergy, as members of the state, without their concurrence. On the other hand, it was deemed unreasonable, that the clergy should have a power of making ecclesiastical laws, that were binding to the laity, as christians, without the consent of the wittena-gemot, or representative of the nation. Thus, in both these respects, the same principles were followed, namely, that no man was bound by any laws, to which he had not given his consent, either by himself or his representative. Hence it is, that the wittena-gemots were for the most part mixed assemblies, where all important affairs, as well ecclesiastical as civil, were treated, and that these assemblies had no less authority in spirituals, than in temporals.

Wittena-gemot was a mixed assembly.

To be convinced of this, we need only cast an eye on the laws of the Anglo-Saxons, where we find a perpetual mixture of ecclesiastical and civil matters. I shall produce a few instances, which seem to be incontestable. In the year 673, a council was convened, where Theodore archbishop of Canterbury presided, and ten canons of the ancient general councils were assented to, as hath been related in the history of the church of that time. But this assembly was not purely an ecclesiastical synod; for besides the bishops, all the kings and great men of England were present, as an historian relates it. And therefore it was a mixed council, a mycel synod, a real wittena-gemot. We must take care not to be led into error by the words council or synod, which at present denote an assembly of ecclesiasticks; whereas, in the time of the Anglo-Saxons, these terms were not understood in so limited a sense, but served to express all sorts of great assemblies. Whoever carefully examines the nature of these ancient assemblies, which by historians are called councils, he will find, they were mixed conventions, since they were subscribed, approved, and assented to, by the kings, princes, and great men there present. In the reign of Edward the elder, an assembly was held, where the articles of a treaty were settled between that prince and Guthurm, to whom

M. West.

Alfred had given East-Anglia, a state affair, if ever there was any. And yet, in this very assembly, were enacted several ecclesiastical laws, which in the preamble are called *senatus consulta*, because made by the witan, that is, by the great men of Wessex and East-Anglia. Among these laws, besides several that were purely political, there are some with these titles, of apostates, of the punishment of such as are in orders, of incests, or fasts, &c. From whence it is manifest, these political assemblies made laws concerning religion. An historian says, king Athelstan convened a council, in which many laws both ecclesiastical and civil were enacted: consequently this was not an assembly of churchmen, since it was never pretended, the clergy had a power to make secular laws.

The wittena-gemot often elected bishops.

Eddius vii. Wulf. c. 22. p. 46.

And deprived them also.

J. Wallingford.

But this is not all. It is shown by several instances, that the wittena-gemot elected and deprived the bishops. Wilfrid bishop of York, whom I have had frequent occasion to mention, was elected by the two kings of Northumberland, and the general council of that kingdom, as the author of his life relates. Erkenwald, bishop of London, was elected with the consent of king Sebba, and the advice of all the people. Wulfstan was made bishop of Worcester in curia, that is, in the great assembly, which was called the court, or the king's court. Ingulphus, abbot of Croyland, speaks in this manner of the elections of the bishops and abbots: for many years, there was no election absolutely free and canonical: but all ecclesiastical dignities were conferred by the king's court, according to their good pleasure.

As the wittena-gemot was concerned in the election, so was it also in the deprivation of bishops. Of which I shall give the following instances. Brithelm, bishop of Dorchester, being promoted to the see of Canterbury, Edgar, who had a mind Dunstan should be archbishop, caused Brithelm to be sent back to his former bishoprick. How this was done we are informed by Osbern the monk, who wrote the life of Dunstan: within a few days after Brithelm was made archbishop, not thinking himself fit for so great a charge, he departed to the church he had lately left, by the command of the king and people. Another historian relates this matter in the manner following: Edgar made Brithelm descend the same way he was raised: for a council

* After which the person so elected being first consecrated, the king invested him with the temporalities, by

the delivery baculi and annuli, as may be seen in the same author.

being convened for this very purpose, he objected several articles against Brithelm, and by the order and consent of his barons, sent him back to the cure of his former church of Dorchester. Brithelm therefore was both elected and deprived by the authority of the wittena-gemot. In the reign of Edward the confessor, Robert archbishop of Canterbury, was removed from his see by a decree of the wittena-gemot, and Stigand being elected in his place, the papal power could neither procure this election to be annulled, as long as the dominion of the Saxons lasted, nor prevent the English from acknowledging Stigand as lawful archbishop, tho' suspended by the pope.

These instances show, the wittena-gemot, or mycel synod was an ecclesiastical and political assembly at the same time, and that all affairs relating to the church and state were indifferently treated there. It was not till long after, when the papal authority was grown to a great height, under the Norman and Angevin kings, that the clergy claimed the privilege of debating apart all matters any ways relating to religion, in ecclesiastical assemblies or synods.

It is time now to speak of the king in particular, his prerogatives, revenues, and succession to the crown.

Of the king.

I Have already observed in some other place, that the Saxon government in Germany was aristocratical, and that they had only a general who commanded their armies in time of war. The Saxon leaders themselves erected their several conquests in Great-Britain into kingdoms, and assumed the title of king. But with this new title, they were however considered at first by their subjects upon the same foot only with their governors in Germany, whose power was far from being despotal. Nevertheless, some pretend, the right of conquest gave these first kings an unlimited power, from whence it would follow, that the privileges of the English subjects were either concessions of the kings, or usurpations of the people. This argument, drawn from the right of conquest, might have some weight if the privileges of the Britons, who were subdued, was the point in debate. But the question here is about the privileges of the Saxons or English, who were themselves the conquerors, and over whom conquest gave no power to their kings. I say, we are to consider here the Saxons only, since there remained in the country they were masters of, but very few Britons, who

The power
of the king
was bound-
ed.

were looked upon but as so many slaves. As therefore the Anglo-Saxons cannot be said to lose their rights by making conquests, they are to be considered upon the same foot as in Germany, that is, as a free people under the conduct of a head or chief, whose power was limited by law.

There is no doubt, that in England, as in all other kingdoms, the royal authority by degrees exceeded the bounds at first prescribed. But, the history of the Anglo-Saxons being very imperfect, there is no giving a particular account of this matter. I must therefore content myself with showing in general some of the chief prerogatives enjoyed by the Anglo-Saxon kings during their dominion, which lasted above 600 years, without being able so much as to observe the alterations in this respect during so long an interval.

The king's prerogatives.

1.

One of the most considerable of the king's prerogatives was the power of appointing the earls, viscounts, judges, and other officers as well civil as military. Some however assert, that the military post of the dukes or holds of each county was conferred by the shire-gemot. Very probably, it was in the king's power to change these offices according to his pleasure, of which we meet with several instances in history. But after all, it cannot be positively affirmed, because when such an officer is found to be turned out by the king, it does not necessarily follow, it was done without the consent or previous sentence of the wittena-gemot^a.

2.

Another great prerogative of the crown, was that the laws made in the wittena-gemot were of no force without the assent of the king, to whom was committed the executive power.

3.

The king had also power to pardon malefactors. But as offences may be considered in a double view, namely, as they concern the publick, or as being prejudicial to some private person, the king could only pardon them in the first respect. The king's pardon prevented not the offended party from demanding satisfaction for the wrongs he had received. This satisfaction was called in Saxon, wiregeld, that is, a reparation, made to the injured party or his friends

^a As the earls in those days held their earldoms of the community, and not of the king, there is no doubt but they were both made and turned out with the consent of the great council. But as a body politick cannot act itself, when any particular act is to be done, the execution thereof naturally de-

volves on the king, as lord or head of the great feignory of the kingdom. And therefore when he is said to make or put out an earl, the assent of the wittena-gemot is always to be supposed. For feudal earls (and all were so in those days) could not be made without the consent of the peers.

and

and relations. Hence doubtless came the custom in England, at this day, of the wife's or son's appealing in cases of murder. For the same reason also this clause is usually inserted in pardons: *Ita tamen ut stet recto in curiâ nostrâ, si quis versus eum loqui voluerit.*

The power of coining money was another of the king's prerogatives, which he could grant by charter to whom he pleased, as we find several of the Saxon kings granted the same to the two archbishops and others. But the king had not the power of enhancing or debasing the coin. The mirror of justices recites it as an old law, that the king could not change the money, or make other coin than of silver, without the consent of all the counties.

It is uncertain, whether it was absolutely in the power of the Saxon kings, to make war or peace, without the consent of the wittena-gemot. It is true, indeed, the power of making war was, as it is now, of little consequence, since the king, not being able to raise money without the consent of the estates, could not bear the expence, if his subjects refused to assist him. But as for making peace, the case is quite different, since on a good or bad peace, depends the welfare of a whole kingdom, as hath been too often experienced. And therefore, these two prerogatives, which are commonly joined together, widely differ in their consequences. It depends on the people to contribute to the wars the king is pleased to undertake of his own accord, and, by refusing their concurrence, have it in their power to prevent the mischiefs that an unjust or unnecessary war may occasion. But how shall they hinder the effects of a pernicious peace, concluded without their knowledge?

The king's revenues were of three sorts. The first ^{The king's revenues.} consisted in certain things, furnished him by the state, for the maintenance of his household, as corn, hay, cattle, and the like, which were usually paid in kind. The second branch was the produce of certain demesnes or lands annexed to the crown, and designed to serve for publick uses, it not being in the power of the king to grant any part of them, not even to the church, without the consent of the estates. Hence it is that we find the ancient charters of the Saxon kings to the churches or monasteries, confirmed by the principal members of the general assembly, who signed them in this manner. I. N— have subscribed, confirmed, approved, corroborated, or other the like expressions. It cannot be doubted but this branch of the king's revenue was applied to publick uses, when it is considered, that so late as
the

the end of the XIVth century, in the reign of Richard II. the parliament ordered, that for the future the revenues of the king's demesnes should go towards defraying the charge of the wars he should be engaged in. The third branch consisted, as at this day, of certain taxes or imposts, which were laid from time to time on the people upon urgent occasions, by the authority of the wittens-gemot.

We do not find, during the heptarchy, the kings affected any swelling titles, as some did afterwards. They were all contented with the title of king of their respective kingdoms, and the prince who was elected monarch, did not imagine he had a right to distinguish himself upon that account. Egbert himself, after acquiring the sovereignty of the seven kingdoms, made no alteration in his usual title of king of the West-Saxons. Athelstan was the first that styled himself emperor. Edmund was satisfied with, *rector & gubernator Angliæ*. Edgar called himself, king of the whole island of Albion. Canute the great assumed the title of king of Albion, and many other nations. Some affected a Greek title, as Edgar, who styled himself, *totius Angliæ basileus*.

The coronation of the kings.

As for the coronation of the Anglo-Saxon kings, there was no time fixed for this ceremony, either during the heptarchy, or after the union of the seven kingdoms. Each was crowned when he thought it most convenient. Before Egbert, the kings of Kent were crowned by the archbishops of Canterbury: the kings of Northumberland, by the archbishops of York, and the rest commonly by the bishop of their capital. After Egbert united the heptarchy, or at least four of the kingdoms into one, the archbishop of Canterbury claimed the privilege of crowning the kings, but this pretension was founded only on a custom, which, though usual, was not however necessary. And indeed we find, after the union, several kings were crowned by the archbishops of York, or even by other bishops. Some say, Harold put the crown on his own head himself. Sweyn, the first Danish king, was not crowned at all, and yet was owned for king. Edgar reigned several years in Wessex, before he was solemnly crowned. Edward the confessor's coronation was not performed till six months after he was proclaimed. This neglect is a clear evidence this ceremony was not then deemed absolutely necessary. And therefore they who date the beginnings of the reigns from the coronation-days, only breed confusion in chronology, from an over-exactness. This way of reckoning is so much the more liable to error, as there were some kings who repeated the solemnity

lenuity of their coronation several times; for instance, Cerdic first king of Wessex. This ceremony was not at first performed in a church, but in the open air. Thus it is expressly said by the historians, that Athelstan, Edmund, and Edred, were crowned in an open place *.

As for the form of the crown, it was not very curious, at least it was not uniform, as may be seen from many impressions of heads of the Saxon kings, given us by Camden and Spelman †. Some have only a diadem of pearls. Others a coronet with six rays or points, with flower de luces between, or pearls upon them. Edward the confessor has an imperial crown. This variety shows, that in England, as well as in other places, there was not then any settled form for the crowns, but that each prince pleased his own fancy ‡.

The succession to the crown in the time of the Anglo-Saxons.

THERE are three different opinions upon this subject. The first is, that the crown was all along hereditary, as well during the heptarchy as afterwards. The second, that the crown was always elective, and in the disposal of the people; so that, although the son succeeded the father, it was however by election. The third, that the crown was neither hereditary nor elective, but the kings had power to give it by will to any one of their sons or relations, whom they thought most worthy. But how confidently soever each asserts his opinion, it is easily perceived that to establish any one of the three, is more difficult than to combat the other two. This difficulty arises from our imperfect knowledge of the history of the Anglo-Saxons, and perhaps from their not proceeding regularly themselves in this matter. The arguments used by each party in defence of his own, and against the opinions of his adversaries, are as follow.

The first say, we need only run over the history of the heptarchy, to be convinced that in each of the seven kingdoms, the crown remained in the family of the first kings, as long as there were any male heirs in being. And that

* They were crowned in the market-place of Kingston upon Thames.

† These impressions were taken from old Saxon coins.

‡ Tytel looks upon it as fiction in them who will have it that Alfred was crowned with a crown wrought with flower de luces, because such a crown

was kept among the regalia at Westminster before our late civil wars. The inscription, hæc est, &c. being in all probability put on the box wherein it was kept by some monk of after-times, to give the greater air of antiquity to the crown.

after the union of the seven kingdoms, there was no alteration in this respect, the race of Egbert sitting on the throne down to Edward the confessor. It is true indeed the Danish kings are to be excepted : but as they intruded themselves by force of arms, nothing can be inferred from thence against the crown's being hereditary.

Proof that it was elective.

They who believe the crown was elective, ground their opinion upon the same history, by showing that the lineal succession from father to son, was not always preserved. And indeed, they demonstrate, by undeniable proofs, that the king's brother often succeeded before the king's sons, and distant branches of the royal family were preferred before the nearest, whence they conclude, this was occasioned by the right of election residing in the people. They further add, that although the son succeeded the father, sometimes even for several generations, it does not necessarily follow, that the crown was hereditary ; as the imperial crown of Germany cannot be said to be so, though it has now continued two hundred and fifty years in the house of Austria. To support their opinion concerning the right of election, they alledge several passages of the historians, who, speaking of the kings that succeeded their fathers, use this expression, *electus est in regem*, he was elected king.

Answer.

To this the others reply, that indeed upon certain occasions, fraud and violence took place : but however, the lineal succession, though broken for some time, preserved its rights, since quickly after we find things were restored to their former state. I think it needless to produce the Instances alledged by both parties. Besides their having been related in the history, the reader may easily refresh his memory by casting his eye on the genealogical tables of the Anglo-Saxon kings, where the order of the succession is set down. As for the expression of the historians, he was elected, they say, these words are to be found only in authors who wrote long after, and made use of them without considering the consequences, as not treating expressly of this matter. Besides, it is pretended, these authors have not rightly translated the original terms in the Saxon annals, *feng to rice*, which properly signify *regnum capeffit*, he took upon him the kingdom.

That the crown was disposed of by the king.

They who are of the third opinion, alledge against the first, that the crown was not therefore hereditary, because it continued long in one family, as appears from the example of the house of Austria. To the second they object, that after proving the crown not to be hereditary, their inference, that

that it was therefore elective, is not just; for there is another way, which excluded the other two, namely, the kings disposed of the crown as they thought fit. To confirm their opinion, they alledge the example of France, where they pretend, the kings, even as low down as some of the second race^r, enjoyed the privilege of disposing of their dominions, which occasioned the so frequent division of that kingdom. For, say they, had it been the eldest son's right always to succeed his father, it is inconceivable that the younger brothers should so frequently rise in arms to compel their elder to share the kingdom with them. On the other hand, they observe, if the crown of France had been elective, it is not likely the French would have always elected as many sovereigns, as the former kings had left sons. From all which they conclude, that the frequent partitions during the first and second race, were solely owing to the testamentary disposition of the kings. Agreeable to this, is, what Mezerai says, speaking of Aribert king Dagobert's brother. His words are: but as Aribert was young, and the king his father perhaps had left him no part of the kingdom in his will, it was to no purpose that Bernulph, his mother's brother, endeavoured to persuade the Neustrians to rise in his favour. This custom, established among the French from the beginning of their monarchy, as it is pretended to be proved, is doubtless a strong presumption that the Anglo-Saxons did the like, seeing they lived at the same time, and came, as well as the Franks, from Germany, in the same century. But if it be objected, there are no instances to be found then in England of the like partitions, in the kingdoms of the heptarchy, it is replied, there were some, though not many. The kings of the heptarchy, who were but petty princes in comparison of the kings of France, took care not to divide their dominions, otherwise there would quickly have been as many sovereigns as cities. However there were some that did so: for instance, Penda, king of Mercia, placed in his life-time, his eldest son Peda on the throne of Leicester, having erected that city, and the adjoining country into a kingdom. Ethelred his son and successor, gave his brother Merowald part of his dominions, with the title of king of Hereford, which little kingdom was left by Merowald, to his brother Mercolan. Oswy, king of

^r The crown of France has been enjoyed by three royal families: first, the Merovians, begun by Pharamond, and ended in Childeric III., twenty one

kings: second, the Carolinians from Charles Martell to Lewis V., fourteen kings: third, begun in Hugh Caput, of which there have been thirty one kings.

Northumberland, gave the kingdom of Deira to Alfred his natural son, as Ethelwulph did the kingdom of Kent, in his life-time to Athelstan. For a farther confirmation of this opinion, Ethelwulph's will is produced, who disposed of his dominions in so absolute a manner, that his four sons were to succeed one after another, whether the first had children or not; which was accordingly done. These are the arguments alledged in proof of the third opinion, but they have not remained unanswered.

Answer.

It is said first, those princes, who were crowned in their father's life-time, were properly but so many viceroys: and they, who, contrary to the established order, succeeded by virtue of a will, were admitted to the throne by the authority, or at least, not without the consent of the estates, which implies a right of election in the subjects.

Another proof in favour of the kings.

But it is more difficult to answer the arguments drawn from the proceedings of Canute the great, who, towards the latter end of his life, very carefully avoided every thing that might make the English apprehensive of his intending to alter the form of government. It is well known, this prince annulled his marriage articles with Emma of Normandy, by making his will, and appointing Harold his successor, instead of Hardicanute, who by the marriage contract was heir to the crown. This seems to demonstrate, the king was entirely free to choose his successor. It is true, after his death disputes arose; but however that be, it appears at least, this prince thought he might dispose of the crown by will. The same thing may be said of Edward the confessor. Whether this prince made a will in favour of the duke of Normandy, or designed it only, or even gave him but a bare verbal promise, it may be inferred from thence, that he imagined he had a right to settle the succession that way.

These are the reasons alledged to support the three opinions, in this important inquiry. I call it important with regard to those who really think it so. For my part, I can hardly be persuaded there is any occasion to recur to the customs of the Anglo-Saxons, to establish those that are to be followed at this day.

The three opinions may be united.

It would not, perhaps, be impossible to form an idea of the Anglo-Saxon government, with regard to the succession, by uniting the three foregoing opinions. It seems to me that from all the reasons alledged, it may be inferred in favour of the first, that the crown was hereditary in the family of the Saxon kings, as well during the heptarchy, as after the

the union of the seven kingdoms. In favour of the second, it may be granted, that upon extraordinary occasions, the witten-gemot, considering itself as supreme legislator, assumed an absolute authority, and went beyond the usual bounds. With the third it may be said, the kings had power of nominating their successor, provided, when they deviated from the common practice, which was to prefer the next in blood, they took care to have their choice confirmed by the great council of the kingdom. This is the reason why those kings who were not the next in blood, never failed of making use of the consent of the estates, thereby to rectify the irregularity of their accession to the throne. This we see also in Alfred's will, at the end of his life published by Spelman¹. By uniting thus the three opinions, the rules for the succession in the time of the Anglo-Saxons, will be found to be much the same with those at present. It is confessed, the crown is hereditary. But however, this prevents not the parliament in extraordinary cases, from claiming a power to over-rule custom, and settle the succession on a more distant, in prejudice of a nearer relation. Of this the history of England, since the conquest affords many instances and precedents, without insisting on those of our own times. If it is objected, all do not allow the king and parliament to have a right to such a power; it may be replied, till the contrary is determined by a lawful authority, it is reasonable to presume this power is rightfully lodged in the nation. According to these principles, they, who labour to prove the crown was elective in the time of the Anglo-Saxons, do not seem to do much in favour of the parliament, which claims a power to alter the succession but on certain occasions. On the other hand, they, who undertake to prove the crown was hereditary at that time, do no great prejudice to the authority assumed by this august body only in extraordinary cases. In fine, as they, who pretend to prove the Saxon kings had an absolute power to dispose of the crown, probably do not mean that the present kings have the same power, they seem to me to debate a question of more curiosity than importance.

¹ *Ego Alfredus — totius West-saxonie nobilitatis consensu pariter et assensu, occidentalium Saxonum rex, &c.* Whence it is manifest, that though he was nominated in his father's will to succeed his brothers, yet he was elected or at least confirmed by the great

council in the possession of the crown, so bequeathed to him by his father. And therefore it is plain, that though the king had the power to dispose of the crown by will, yet it could not be done without the consent and assent of the estates.

Of the laws of the Anglo-Saxons.

Several sorts
of laws.

Beke, l. 2.
c. 3.

Laws of
Alfred.

Of Edgar.

Three sorts
of laws.

DURING the heptarchy, there were no laws common to all the seven kingdoms, but each had its own in particular. It is very likely however, these laws were not very different, since the inhabitants of the seven kingdoms had the same original. But there is nothing certain in this matter. The first laws, we have any knowledge of, are those published by Ethelbert, king of Kent, about the time of the conversion of the Saxons. We have likewise Ina's king of Wessex, and Offa's, king of Mercia; and there is no doubt but some of the other kings made laws, though they are not transmitted to us.

After the union of the seven kingdoms, Egbert's successors explained or extended the laws already established, or made new ones. The most famous are those of Alfred the great, taken, as he himself says, from the best he could find, and particularly from Ina's and Offa's. Edgar, with such additions and emendations as he thought fit, caused the laws of Alfred to be strictly observed. But it must be remembered, when England was divided into two kingdoms, namely, Wessex and Mercia, each had their laws apart, and Canute the great caused those that were introduced by the Danes into Northumberland and East-Anglia, to be approved by the general assembly. There were therefore in England three sorts of laws, the West-Saxon, Mercian, and Danish, till Edward the confessor united them all in one body^t. As I proposed only to give a general notion of the government of the Anglo-Saxons, my design is not to enter into a particular account of all these laws. I shall content myself with relating some circumstances, which seem to me to merit the curiosity of such as are strangers to the English constitution, and are intelligible to all the world.

^t See what bishop Nicolson says of this threefold distinction of the laws in a note in the reign of Canute. To which may be added here the opinion of Spelman: "Our Saxons, though divided into many kingdoms, yet were they all one in effect, in manners, laws, and language; so that the breaking of their government into many kingdoms, or the reuniting of their kingdoms into a monarchy, wrought little or no change

"amongst them touching laws. For though we talk of the West-Saxon law, Mercian law, and Dane law, whereby the several parts of England were governed; yet they all held an uniformity in substance, differing rather in their mults than in their cases; that is, in the quantity of fines and amerciaments, than in the course and frame of justice." Reliq. Spel. p. 49.

The laws were divided into civil and criminal. The first concerned the lands or estates, which were of two sorts, bocland and socland. Bocland was much of the same nature with the lands we call allodial*. It was free and hereditary, and might be alienated by the owner, though he held it in fee of a superior lord. This is properly what is elsewhere called, *feudum honoratum*. This sort of land was possessed by the nobles and most considerable among the people. Socland was possessed by the ceorles, and held of the lord by payment of a certain annual rent, and performance of certain personal services. This sort of land is the same with what is called a rural fief. I do not think it necessary to enquire here into the original of fees, which would lead me too far, and besides would contain nothing peculiar to England. I shall only say, in Selden's opinion, fees derive their origin from the north, and from thence passed into Germany, Italy, France, Spain, England, where the northern nations settled. It would also be too long a digression from my purpose, to recite all the laws concerning the possession of the two sorts of lands before-mentioned, especially as these things are understood by few people. It is sufficient to have given a general idea of them, and therefore I shall proceed to what is much more intelligible, the criminal laws.

By the regulations of Alfred the great, all persons accused of any crime were to be tried by their peers. This privilege, which the English have preserved to this day, is one of the greatest a nation can enjoy. It screens the small from the oppression of the great, and from the caprice or passion of the king himself, of which there have been several instances in England. But as the term peers

The criminal laws.
Trial by peers.

* The northern nations neither incorporating nor destroying the inhabitants in their conquests, divided the land into three parts; one they left to the old possessors, the other two they took themselves. These divisions are called by the writers of those ages, *sortes Gothice*, and *sortes Romanse*, in Italy. The Franks proceeded in the same manner in Gaul. What they took to themselves was termed *terra feuda*, the rest was called *alodium*, from the negative particle *A* and *leud*, which signifies in Teutonic, persons linked by feudal tenures, who only had a share in the legislature. So that allodial lands were such as were not subject to feudal

duties, yet before tenants were oppressed, the term *allodarii* was a term of reproach, as it discriminated the vanquished from the victors. Though their land was at first free from all service, many possessors for their better security gave their allodial lands to the chiefs of great lordships to take them back under feudal tenures. Others, without divesting themselves at all of their ancient possession, placed themselves under such superiors, and then came in use the phrase *tenere in allodio*, frequent enough in our doomsday book, and in foreign writers; for all protection and subjection was supposed then to be founded on tenure. St. Amand.

Meaning of
the word
peer.

may not be rightly understood by many readers, it will be proper briefly to explain the meaning of the word. It is to be observed, that in England there are but two degrees or orders of men, namely, the peers of the realm, and the commons. Dukes, marquesses, earls, viscounts, barons, are peers of the realm, and peers among themselves; inasmuch that the lowest of the barons is the peer of the highest duke^w. All the rest of the people are ranked with the commons. So that in this respect, the meanest artificer is peer of all below the rank of a baron. When therefore it is said, every one is tried by his peers; the meaning is, the peers of the realm are judged by those of their own order, that is, by the other lords; who, like them, are peers of the realm. In the same manner, one of the commonalty is tried by such as are of the order of the commons, who, in this respect, are his peers or equals, how much soever they may differ with regard to birth or fortune. There is however this difference between the peers of the realm and the commons; every peer of the realm has a right to vote at the trial of another peer, whereas the commons are tried but by twelve persons of their order, whose verdict concerns only fact. These twelve persons, after hearing the publick examination of the witnesses for and against the party accused, only bring him in guilty or not guilty of the crime laid to his charge; after which, the judge condemns or acquits him according to law. Such is the privilege enjoyed by the English, ever since the time of king Alfred. And perhaps this prince only revived and rectified a custom established by the Saxons, time out of mind^x.

Means of
discovering
the truth.

By oath.

When the crime was not clearly proved, or sufficient evidence found to condemn or acquit the accused, two methods were used, by which, it was thought, the truth might be discovered. The first was the oath of the party accused, to purge himself of the crime he was charged with. But his single oath was not sufficient: he was to bring with him a certain number of persons who were [and still are] called compurgators, who also swore to his innocence.

^w Bishops though lords of parliament, are tried by common juries, and not by the peers as Rapsin imagined.

^x Sir William Temple says, traces are not wanting of this custom, from the very institutions of Odin, the first leader of the Asiatic Goths or Geta into Europe, and founder of that mighty kingdom round the Baltick sea, from whence all the Gothic governments in

these north-west parts of the world were derived. This is the reason that it is known to have been as ancient in Sweden as any records, or traditions of that kingdom, and still remains in some provinces. The Normans introduced the terms of jury and verdict as well as many other law terms; but the trials by twelve men are expressly mentioned in Alfred's and Ethelred the first's laws.

The

OF ENGLAND.

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The second method was by ordeal ^{Ordeal trials.}, that is, trial by fire or water. The trial by fire was performed two ways. The person accused held in his hand a red-hot piece of iron of one, two, or three pounds weight, according to his crime, or according to the evidence against him; or else he was made to walk barefoot and blindfold over nine red-hot plough-shares placed at a stated distance. If he had the good fortune to come off unhurt, he was declared innocent: but in case he was burnt, he was pronounced guilty. Persons of quality were tried by fire ordeal, of which Emma, mother to Edward the confessor, is an instance. Trial by water ordeal was made either by cold or scalding water. Peasants and slaves were put upon this trial. In the trial by cold water, the party suspected had his hands and feet tied together, and so was thrown into a pond or river. If he sunk, he was adjudged innocent; but if he floated on the surface of the water, he was declared guilty ². When scalding water was the test, the person accused was to plunge his arm into it as far as the wrist, and sometimes up to the elbow. The trial by cold water was introduced by Lewis le Debonnaire, and by pope Eugenius II, instead of an oath, which was but too often the occasion of the guilty persons perjuring themselves; and the English followed their example.

The third way of trial was by single combat. When the ^{Single com-} evidences of the accusation were not strong, the party was ^{bat.} allowed to vindicate his innocence by challenging his accuser to single combat. If a woman was accused, she had the

¹ Sommer in his glossary derives this word, a privative, and dal, that is, distinction or difference, as much as to say, an impartial judgment, without any distinction.

² Rapin, by mistake, says sinking was a sign of guilt, and swimming of innocence. The custom among the country people of trying witches, by throwing them into the water with their thumbs and toes tied together, is perhaps a sort of water ordeal. These trials were made with great solemnity, and were always managed by the clergy. The person accused was obliged to swear to his innocence, and sometimes, especially if in orders, to receive the sacrament. After the charge was legally brought in, the person impeached was to spend three days in fasting and prayer. At the day of trial, which is the time when was made in the church, the priest

in his habit took up the iron which lay before the altar, and repeating the hymn of the three children, put it into the fire: then using some forms of benediction over the fire and iron, he sprinkled the iron with holy water, and made the sign of the cross in the name of the Trinity: which done, the party accused passed through the test. The ceremony of the scalding water ordeal was much the same. But when the trial was by cold water, the three days fast and other circumstances being premised, the person suspected drank a draught of holy water, to which the priest added an imprecation, in case he was guilty: then the water into which he was to be thrown, had a sort of exorcising form of prayer said over it: all these ways of trial continued long after the conquest. The first publick discountenance from the state was in the third year of Henry III.

privilege of substituting one in her room, who was called her champion. This custom was not introduced into England till towards the end of the empire of the Saxons : but it continued a long time in being.

Corfned.

A fourth way of trial was by giving the party suspected a bit of bread or cheese ^a, consecrated with abundance of ceremonies. If he was guilty, it was believed the bread or the cheese would stick in his throat and choak him ; but if innocent, he would readily swallow it. Part of the imprecation used upon delivering him the bread (after receiving the communion) was as follows: may this bread [or this cheese] which is given him in order to bring the truth to light, stick in his throat, and find no passage if he is guilty ^b. But if innocent of the crime laid to his charge, may he easily swallow this bread [or this cheese] consecrated in thy name, to the end all may know, &c. This way of trial was evidently in imitation of the waters of jealousy among the Jews.

Numb. v.

They who forged the circumstances of earl Goodwin's death, as related in the reign of king Edward, had probably an eye to this custom. This consecrated bread or cheese was called corfned, from the word snide or snidan, which signifies to cut a bit off, and corse, that is, to curse, because it was believed it brought a curse on the guilty person. The church not only approved of all these ways of trial, but prescribed the ceremonies and Form of Prayers to be used on these occasions, and even consented that the bishops and priests should officiate. There is a law of Canute the great concerning the corfned, to this effect : if a man be accused of murder, or of having any hand in it, let him clear himself to the relations and friends of the murdered person, and, if necessary, let him be put to the trial of the corfned. It is very wonderful, the Saxons and other nations, among whom these trials were common, could for so long together fancy they were infallible ways of discovering the truth. On the contrary, one would think the numberless experiments, they must needs have had of their uncertainty, should have opened their eyes and made them see their error.

When the charge was fully proved, the law ordained several sorts of punishments, according to the quality of the offence : the greatest part whereof consisted in fines, which the guilty person was condemned to pay to the injured party, to the king, to the earl, or to his lord. There were some crimes however, that were looked upon as capi-

^a He was to take an ounce of either fasting.

^b The imprecations go on thus : may

his face turn pale, his limbs be convulsed, and an horrible alteration appear in his whole body.

tal, and punished with death. Such were treason against the king, or lord, wilful murder, and theft. Though treason was death by the law, yet the guilty person had the liberty of redeeming his life by paying the valuation of the king's or lord's head; I shall explain this hereafter. Coining of money was not originally a capital crime: but the consequences made the penalty very great. The first law that made it death was in the reign of *Ethelred II.* though it was left in the king's power to commute the punishment for a fine. As for murder, the laws distinguished killing a man in a sudden and unforeseen quarrel, from wilful and premeditated murder. The punishment of the former was only pecuniary, the latter was death. This distinction still subsists in the laws of England, where the first is called manslaughter, and the other, murder. Theft or robbery was not till after some time punishable by death, and even the first laws that made it so, permitted the thief to redeem his head with a sum of money.

Treason.

Coining.

Murder and manslaughter.

Theft.

Fines for other crimes.

All other offences were punished only by mulcts or fines, until the reign of Canute the great, who ordered in the case of adultery, that a woman should have her nose and ears cut off, and the man be banished the realm. These fines were not left to the will of the judge, but were settled by law, according to the quality of the injured party, from the king to the peasant; and with regard to the malefactors, from the ealdorman to the slave. Upon some certain occasions, they who had incurred the penalty of death, might buy off their punishment by giving the king part of their estates. But this seldom happened, except where the quality, or power of the guilty party, rendered the execution of the laws difficult or dangerous. We have a remarkable instance of this in the trial of earl Goodwin, in the reign of Edward the confessor. This lord entering the Thames with a fleet, the king was forced to restore him to his honours. But having been banished by the wittena-gemot, he was to be recalled by the same authority. It was necessary therefore to use some formality, which would screen him from all future enquiry; and the method taken was this. The earl being come to London, where the great council was assembled, the king himself turned his accuser, and said, "Thou traitor Goodwin, I charge thee with the death of Alfred my brother, whom thou hast traiterously murdered." "My Lord" (answered the earl) saving the reverence I owe you, I have neither murdered, nor betrayed your brother, and am ready to refer myself to the judgment of your court."

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Upon which the witnesses were produced and examined, and then Leofric duke of Mercia spoke thus: "It seems evident to me that prince Alfred was put to death by the advice of earl Goodwin. But as he is one of the greatest lords in the kingdom, it is my opinion, that twelve of us earls, who are his relations and friends, should take as much gold as we can carry in our hands, and humbly presenting it to the king, supplicate for his pardon and restoration to his honours, upon his taking the oath of allegiance." This being agreed to, twelve of the lords offered a certain sum to the king, which he accepting, pardoned the earl. But this whole proceeding was all a farce. Goodwin knew before-hand how matters would go, otherwise he would never have ventured to stand a trial.

Before I conclude this head, it will be proper to remark, that several, upon reading the Saxon laws, preposterously imagine, the murder, as well of the king, as of any other subject, was punishable only by fine. But this mistake proceeds purely from not attending to the distinction between wilful murder and manslaughter. Of this last, we are to understand Athelstan's law, which settles the fines to be paid for the killing any person from the king to the slave *.

The customs and manners of the Anglo-Saxons.

THE Anglo-Saxons brought with them from Germany their own country's virtues and vices, and transmitted them to their posterity. Their valour, to which they were indebted for their conquests, as well in England as Germany, was what they valued themselves most upon. They were bred up to arms from their infancy, and war may be said to

* In this law we have the valuation of men's heads of all orders and degrees. This valuation was called in Saxon, wiregild. The king's head was valued at thirty thousand thrimfas (that is, in our money, three hundred and sixty pounds, each thrimfa being supposed worth about our three pence, the same as their peninga or sceat) half of which was to be paid to his relations, and half to the state. An atheling or prince's was valued at fifteen thousand thrimfas: a bishop's and ealdorman's, at eight thousand: a general's, at four thousand: a spiritual and temporal thane's, at two thousand: hence it is evident, that a thane was

far from being the same with a baron, whose valuation would have been, at least as much as a bishop's) the ceorl's head was valued at two hundred sixty seven, but if he was so rich as to possess five hides of land, at two thousand, the same as a thane's. The Saxon money is thus calculated by Mr. Camden; a peninga, three of our pence. A shilling, three peningas, or fifteen pence; a pound, forty eight shillings, or three of our pounds; manca, mancusca, or marca, twelve of our pence. Manca of gold, thirty peningas, or seven shillings and six pence.

be their only profession. They came to their general assemblies armed; and shewed their approbation of what was proposed by striking their javelins one against another. Their usual arms were the sword, club, battle-ax, or bill, and javelin. As they had no bows and arrows, their battles were the more bloody. After darting their javelins, they came to close fight, where their dexterity in handling their arms, gave them a great advantage. Indeed, towards the end of their empire, they were frequently worsted by the Danes, and at length vanquished by the Normans. But where is the nation, how famous soever for bravery, that has not experienced the like turns of fortune? Among the Saxons, a man without courage was looked upon with the utmost contempt. This high conceit of martial valour was the cause of their being very hardly reconciled after a quarrel. Every one dreading the name of coward, should he make the first advances, the quarrel was perpetuated from father to son, and very seldom ended but with the extinction of one of the families^d. It is easy to imagine, that people of this temper, accustomed from their childhood to fear neither blows nor wounds, and continually encouraged by the example of their relations and friends, encountered dangers with great resolution. Accordingly there never was any nation that looked death in the face with greater intrepidity than the Saxons. And all the world knows this is the character of the English at this very day.

The Saxons were extremely addicted to religion, even before they had the happiness of becoming christians. When they settled in Great-Britain, they were not only idolaters, but of all the heathens were the most attached to the service of their gods; even to the sacrificing of the prisoners of war on their altars. As soon as they embraced the gospel, the same inclination caused them to receive and practise, with equal zeal, the duties of the christian religion, and whatever the monks, their first teachers, were pleased to inculcate upon them. It was their unhappiness not to come to the knowledge of God; till the monks began, by degrees, to disfigure religion by superstitious practices. As the Saxons were

^d These are what we call deadly feuds, that is, quarrels which end not but in death. The thirty eighth law of Alfred is concerning these deadly feuds, and gives a strange license for men to take satisfaction on their enemies, even without the presence of any officer. Nay, so far did they pro-

ceed, that if one man killed another, his kindred revenged his death upon any of the murderer's relations (as they do among the Indians) till king Edmund ordered by a law, that the murderer alone should bear the deadly feud or enmity of the kindred of the party slain.

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men of no learning, and consequently incomplete judges of what they were taught, they entirely gave themselves up to the management of their guides. Hence their great zeal in founding and endowing monasteries. They were made to believe, that enriching the monks was the main of religion, or at least would supply all defects. This is also the reason that in the two first centuries after their conversion we find among them so many saints of distinguished birth and fortune. Indeed, since a saintship might be purchased by liberal benefactions to the monasteries, it was an easy way for the rich and the powerful to attain it. But although they were attached to many unnecessary things, yet even in that may be seen their bias to religion. This natural inclination, no doubt, was the reason so many of their kings voluntarily exchanged their worldly grandeur for a cloister. They who are acquainted with the temper of the English at this day, will readily own, no nation can produce more instances of fervent and solid piety. My long abode in England makes me affirm this the more boldly. Indeed, God has permitted libertinism in point of religion to make some progress there of late years. But it would be very unjust to judge of a whole nation by a few that are infected with it, and of whom one single person makes more noise in the world by his pernicious maxims, than many thousands of pious and sincere christians.

Common swearing not frequent among the Saxons.

The Anglo-Saxons were so little accustomed to swearing and blaspheming, which are grown so common now-a-days in conversation, that among all their laws there is not one against this vice. This cannot be said to be owing to the negligence of the legislators, since we see in those very laws great penalties laid upon such as violated the sabbath, or a fast.

Given to drunkenness, Edgar's law about it.

Drunkenness was their reigning vice. They were used to drink out of large cups, and take great draughts, till Edgar, willing to reform this abuse, ordered certain marks to be made in their cups at such a height, above which they were forbid to fill under such a penalty. But this regulation was not long in force.

The sciences.

Although the English in general, before the Norman conquest, were not very famous for learning, it is not to be ascribed to their want of genius, but rather to their education, which was entirely turned to arms. Besides, the time of the dominion of the Saxons, especially after the union of the seven kingdoms, was not a time wherein the sciences greatly flourished.

I have

I have but two observations more to make on the customs of the Anglo-Saxons. The first is, they reckoned the time by nights, which is still observable in some English expressions. For instance, instead of two weeks they say a fortnight, or fourteen nights. Mezerai observes the same thing of the ancient Franks. This, with several other customs common to the Franks and Saxons, is a strong presumption, these two nations had the same original, as sir William Temple asserts in his introduction to the history of England.

My second observation is, that the Anglo-Saxons were wont to separate their lands by large and deep ditches. This was not only practised by private persons; but the kings themselves took care to raise ramparts with large ditches on the frontiers of their dominions, to part them from the neighbouring states, when there was no mountains or rivers to serve for boundaries. Offa's dike, made to divide Mercia from Wales, was twenty-four miles long. There was another between the Thames and the Severn, separating Mercia from Wessex. It was called Woden's dike, but contracted now into Wansditch. Mercia and East-Anglia were parted by a like ditch. Afterwards, the East-Angles, making conquests upon the Mercians, made another ditch seven miles further into the conquered country. The first was called, but for what reason I know not, the devil's dike, and the other the seven mile dike. They had this custom from the ancient Saxons, who practised the same thing in Germany. We are informed by some historian, that the Saxons of Sleswick threw up a large rampart from sea to sea, to defend themselves against the incursions of the Danes, who were in possession of the Cimbrick Chersonesus, or Jutland. Pepin king of France was long prevented from entering Saxony, by one of these ramparts, and it was with great difficulty that he made his way over it at last.

The language of the Anglo-Saxons.

TO say in general, the Anglo-Saxons spoke English or Saxon, would not be shewing with sufficient exactness what their language was. To give a fuller idea of it, it will be necessary to distinguish the several tongues used in England after the arrival of the first Saxons. The English tongue originally differed but little from the Danish, since the ancient writers call them indifferently Cimbric, Scandinavian, Gothick: but this language was not the same with the Saxon. In the parts lying north of the Thames, was spoken pure English

They reckoned time by nights.

The Saxon dikes.

The several dialects of the Anglo-Saxon language.

English or Danish, and south of the Thames pure Saxon. Though these two languages were different, they so far agreed however, as to be understood by both nations. In process of time, and especially after the union of the seven kingdoms, Saxon prevailed in all England, because the kings were of that nation. Thus pure English, [or the language of the Angles] was by degrees disused, or at least banished from common conversation. Afterwards the Danes settling in England, brought in their language, which was not the ancient Danish or English abovementioned, but a modern Danish, mixed with the language of several neighbouring nations of Denmark. This modern Danish was chiefly used in Northumberland, Mercia, and East-Anglia, wherein the Danes were masters. Though out of complaisance to the English, Canute the great published his laws in Saxon, yet the Danish tongue was still retained in the north, where the people were mostly Danes. As it was also the court language during the reigns of Canute the great and his two sons, it became necessary for the West-Saxons, who adopted several words and idioms of it into their own language. But upon Edward the confessor's accession to the throne, Saxon prevailed again at court. Hence the inhabitants of the north were under some necessity of learning it, just as the Gascons in France are obliged to learn French.

In the reign of king Edward, the Norman language began also to be introduced into England. As his mother was a Norman, and he had lived many years in that court, he was very fond of the Norman language. Moreover, the great number of Normans that flocked into England, very much helped to introduce this language among the persons of quality, who took a pride in speaking it well. The Norman tongue being at that time a mixture of Danish and French, the last began to prevail, so that the ancient Danish brought by the Normans into Normandy, daily lost ground. As soon as William the conqueror was seated in the throne of England, he used all possible means to bring his native tongue in vogue throughout the kingdom. He published his laws in Norman, which, with the settlement of multitudes of Norman Families in England, made that language as common as the Saxon.

The language then of the Anglo-Saxons just before the conquest, was a mixture of the following dialects. 1. Of British or Celtick, from whence no doubt the Saxons borrowed some words and phrases. 2. Of Latin, which was common in Great-Britain when the Saxons arrived. 3. Of the

the ancient English or Danish. 4. Of the modern Danish. 5. Of pure Saxon. 6. Of Norman mixed with Danish and French. They who have carefully studied this matter, distinguish three principal dialects in the Anglo-Saxon language. The first was compounded of British, Latin, and Saxon, but in such manner that the Saxon was predominant. The only remains of this dialect, which was in use above three hundred years, is a fragment of the writings of Cedmon the monk, inserted by Alfred the great in his Translation of Bede's ecclesiastical history. The second dialect, which may be termed Dano-Saxon, was used in the northern parts, from the first invasions of the Danes, to the Norman conquest. There are still preserved in some libraries, two manuscript versions of the gospels in this language. The third dialect was composed of the other two and the Norman. This dialect, which was introduced chiefly in the reigns of Edward the confessor and William the conqueror, has admitted of great alterations, by the addition of many French words, particularly, after Henry II.'s accession to the crown of England. They who are ignorant of the English tongue, hardly believe, that a mixture of so many languages can have any extraordinary beauties. But the English pretend, their language, for that very reason, must be more beautiful and expressive, since they have adopted only the more refined part of other tongues, and rejected what is rude and unpolished. Be this as it will, they have a great value for their language, and, if a foreigner may be allowed to give his opinion, I think, very justly.

I shall conclude this article with a word or two concerning the name of sterling, given to the English money. Sterling money. Some believe this word comes from the town of Striveling or Sterling in Scotland, where they pretend, but without any ground, that the best and purest money was formerly coined. Others say, with much greater probability, that sterling is Prady. derived from the Saxon word steore, which signifies rule or standard: so that, according to this opinion, sterling money means no more than money made according to a settled standard. Camden and some others imagined this word was of a more modern date, and taken from certain Flemish workmen, who in the reign of king John were invited into England to reduce the money into its due fineness, in which they were more expert than the English. As the people of that country were generally called Easterlings, on account of their situation eastward of England, it is pretended, the money they coined, was called Easterling or Sterling; that is, made

made by the Easterlings, or Flemish, and consequently purer than what had been hitherto coined ^c.

^c It is believed, that in the most ancient times, when money was first coined in this island, it was made of pure gold and silver, like moneys now current in Hungary and Barbary: and that afterwards, in making the moneys, it being found convenient to have a certain quantity of baser metal to be mixed with the gold and silver, the word sterling was introduced, and hath ever since been used, to denote the certain proportion or degree of fineness which ought to be retained in the respective coins composed of such mixture.

Sterling and standard are therefore synonymous terms. It is probable the word sterling was unknown in the time of the conqueror, as there is no mention of it in doomsday, which values every manor in money, ad numerum, ad pensam, ad pondus, but not in sterling. But however this term was soon after introduced, because the statute of the twenty fifth of Edward III. refers to ancient sterling. Some imagine the word is derived from star, which they suppose to have been impressed on the money.

T H E

H I S T O R Y

O F

E N G L A N D.

B O O K VI.

The NORMAN line: from the reign of WILLIAM the conqueror, to the death of king STEPHEN. Containing the space of about eighty eight years; with the state of the church during that space.

I. WILLIAM I. *surnamed the bastard, or conqueror.*

WHEN a man impartially considers the attempt Reflections on the duke of Normandy's attempt upon England. formed by the duke of Normandy upon England, he is at a loss which to admire most, either the ground, or the boldness, or the success. In the first place, it must be very surprising, he should build his right upon so sandy a foundation as the bare will of king Edward, of which too it does not appear in history, he ever offered to give the least proof, or produce any evidence. In the next place, it is as hard to conceive, how this prince, who passed for one of the most politick of his time, could form a design to support his pretended right by arms, notwithstanding all the obstacles that seemed to conspire to divert him from it. Never project seemed more rashly formed, or with less appearance of success, The forces of Normandy were not comparable

parable to those of England, neither had duke William, in the country he undertook to conquer, any strong holds, or friends, or correspondence, whereon to ground the hopes of succeeding. Even after he had landed a powerful army, not a single lord declared in his favour. Far from reasonably expecting any assistance from the English, he could not possibly be ignorant how well they stood affected to Harold. Indeed, some among them, from a sense of justice and equity, might be displeased with the new king's usurping the crown upon Edgar. But they were far enough from blaming him for supplanting the duke of Normandy, whose very pretensions were unknown to them. They were so little inclined to reject the king they had chosen, that, on the contrary, they had just given him sensible proofs of their fidelity, by their zeal and readiness in his defence against the king of Norway. On the other hand, the obstacles duke William was naturally to expect from the neighbouring princes, were no less apt to deter him from his purpose. Their interest required, that instead of promoting his enterprise, they should oppose his growing power. The French in particular could not, without running counter to the most obvious maxims of policy, forbear endeavouring to blast a design, the success whereof would infallibly be very prejudicial to them. But supposing he could have been sure, the princes his neighbours would voluntarily shut their eyes against their own interest, how could he expect to succeed, since the states of Normandy refused to assist him in an undertaking, which to them seemed equally unjust and rash? Lastly, in the execution of this design, it is surprising to see, contrary to all expectation, the greatest difficulties insensibly vanish before him, and the very things which seemed most opposite to his designs, help to accomplish them. The states of Normandy refusing him the assistance he wants, private persons voluntarily drain their purses, and supply him more plentifully than he could have expected from the states. The court of France lets him act unmolested, and even suffers the French to aid him in procuring a crown which might one day render him equal to his sovereign, or at least enable him to dispute his superiority. All the rest of the neighbouring princes strive with emulation to forward a design, the success whereof must be fatal to them. He is assisted by the earls of Bretagne and Anjou, who a little before were his mortal enemies^a. In a word within the space

^a Conan II. Duke of Bretagne, order to divert duke William from his threatening to invade Normandy, in attempt upon England, was poisoned by

space of a few months, he has a numerous army, a thousand transport-ships, and money in plenty. Even Harold's late victory over the king of Norway contributed as much as any thing to the duke of Normandy's success, though seemingly it should have destroyed all his hopes. In that action, Harold lost his best troops, displeased the rest by withholding the spoils, and by his victory was inspired with a fatal contempt of the Normans, that proved his ruin. Had it not been for this contempt, he would have avoided coming to a battle, according to his brother's advice; and suffered the Norman army to dwindle away in an enemy's country, where no assistance could be found. And if afterwards duke William, constrained to fight with disadvantage, had been vanquished, what could he have urged to vindicate the injustice and rashness of his attempt? but the event has dispelled all these reflections, and determined the historians to extol an action they would infallibly have blamed, had it proved unsuccessful. Thus, the foundation on which the duke of Normandy built his pretensions, the little reason he had to flatter himself with the happy issue, and the ease wherewith he accomplished his enterprise, equally deserve our admiration. Add to all these considerations, that, by one single battle he became master of a country, which neither the Danes, nor the Saxons, nor the Romans themselves, could subdue till after numberless engagements, and in the space of several ages. All this obliges us to own, he was guided by the hand of the Almighty, the only giver of victory, who exalts and humbles nations according to his good pleasure. God, no doubt, was pleased to make use of this conqueror, to render the English nation more illustrious than ever. The English, hitherto almost unknown to the rest of the world, began after this revolution to make a considerable figure in Europe. This may be said to be the first step by which England is arrived to that height of grandeur and glory we behold it in at present. This will evidently appear in the whole course of the history, the principal events of which I am going to describe. But since I am to begin with

by his chamberlain, who had been misled by the duke. But Hoel his son raised a numerous army to go and assist William, and gave the command of it to his eldest son Alan Ferreux. He was rewarded with the title of earl of Richmond, and with

the inheritance of earl Edwin in Yorkshire, which from his title was called the honour of Richmond. After William's victory, most of Alan's forces returned into their own country, except a few of the meaner sort, who settled in England. D'Argentan,

the reign of William the conqueror, it will not be improper to give some farther account of this prince, who was two and forty years old at the time of the battle of Hastings, and had now been three and thirty years duke of Normandy. It will be necessary therefore, before we enter upon his reign, to consider by what degrees divine Providence raised him to the throne of England, of which his birth seemed to give him no manner of prospect.

The affairs
of Norman-
dy from
Rollo to
William
the bastard.
Gul. Gemi.
Walsing.
Upodig.
Neustr.

Normandy, one of the largest and most considerable provinces of France, was possessed by the Normans ever since the forced grant made by Charles the simple to Rollo the Dane, the first duke. Rollo and his immediate successors, content with this noble acquisition, were less solicitous about enlarging their bounds, than securing the possession to their posterity. By means of numerous colonies of their own nation, who by reciprocal marriages were incorporated with the natives, they soon caused the two nations to become one people under the common name of Normans; for so the French called the foreigners settled in Neustria, which from them took also the name of Normandy. The first dukes made it their principal care to gain the affection of their subjects, by causing them to enjoy as much as possible, the sweets of peace, and governing them with justice and equity. By this prudent conduct they not only destroyed the seeds of rebellion, which might lurk in the hearts of the ancient inhabitants; but also screened themselves from the secret practices of the kings of France, who grieved to see so noble a province torn from their monarchy. Accordingly, when the French, at any favourable juncture, attempted to recover it, they always found the dukes of Normandy able to defend themselves with their own forces, because they were assured of the people's affection.

From Rollo to William the bastard there were seven dukes, among whom Richard II. who was the fourth, was one of the most illustrious. His first wife was Judith of Bretagne, by whom he had three sons, Richard, Robert, and William. After the death of Judith, he made a double alliance with Canute the great, giving him his sister Emma, widow of Ethelred II. king of England, and taking himself Estrith sister to that prince. How honourable soever this match might be, his love of a young damsel called Pavia, caused him to divorce Estrith and marry his mistress. By this second wife he had William earl of Arques, and Mauger archbishop of Roan.

After

After the death of this prince, his son Richard III. succeeded him, notwithstanding the endeavours of his younger brother Robert to supplant him. Robert not being able to accomplish his designs, was forced to desist; or rather, as some affirm, went a surer and more ready way to work. It is said, he procured his brother to be poisoned, who, after a reign of two years, left him the possession of the dukedom he had so ardently wished for. Whether duke Robert's crime was never fully proved, or his just government blotted out the remembrance of it, he found means to gain the affection of his people at home by his justice and liberality, whilst his valour made him respected abroad. By his aid it was that Henry I. king of France, took possession of the throne, notwithstanding the pretensions of Robert his younger brother, who was supported by a powerful party. The intrigues of queen Constance, their mother, who espoused the interest of her youngest son, obliging Henry to implore the assistance of the duke of Normandy, he came to him at Roan, and obtained an aid of five hundred spear-men. This first aid was soon followed by a more considerable supply, led by the duke himself into France, where he placed Henry on the throne, compelling the younger brother to be satisfied with Burgundy. Henry, in a grateful sense of so signal a service, protested he would have it in eternal remembrance: and to give him an effectual proof of his sincerity, annexed to the duchy of Normandy the cities of Chaumont and Pontoise, then in possession of the crown of France.

It will not be proper here to enter into the particulars of duke Robert's wars with some rebellious Norman lords, and with the duke of Bretagne for refusing homage. It is sufficient to say, he was successful in taming the rebels, and reducing the duke of Bretagne to his duty. I have already mentioned his design of causing justice to be done to his cousins, sons of Ethelred II. and how his enterprize miscarried.

It is hard to conceive why this prince who was a lover of his people, should never think of marrying, though he might plainly foresee, in case he died without heirs, great confusion and troubles would ensue. There were in Normandy several branches of the ducal family, who might pretend to the succession if he died without children. Consequently their several pretensions would very probably occasion a civil war, which Robert might prevent by marrying. Notwithstanding this, he was resolved to live single. One would think this resolution was owing to his insensibility for the

fair sex, had we not a proof to the contrary, in his passion for a young damsel, with whose graceful Mein he was charmed as he saw her dancing. The damsel, who was called Arlotta ^b, a skinner's daughter of Falaife, thinking herself extremely honoured by the duke's addresses, readily yielded to his solicitations. It is said the first night the duke took her to his bed, she dreamt her bowels were extended over all Normandy and England. This dream was very naturally interpreted afterwards, if it be true that it was not forged after the Event.

Chron. of
Normandy.
Malmsh.

Robert pre-
pares to go
to Jerusalem.

Causes his
son William
to be ac-
knowledged
his successor.

Carries him
to Paris,

Robert had by this mistress a son called William, of whom it is related, that, the moment he was born, laying hold of some straws, he held them so fast, that his fist was forced to be unclinch'd before he would let them go. This made the good women say, he would one day prove a great acquirer, since he began so early. Robert educated his young son with all imaginable care, designing him for his successor. But whilst he was laying out his pains in his education, the fancy took him to go in pilgrimage to Jerusalem. This act of devotion was looked upon as the effect of his remorse for the murder of the duke his brother, and of his desire to atone for his crime by this sort of penance. Be this as it will, before he set out, he took all necessary measures to secure the succession to his bastard son. He was very sensible how difficult it would be for young William to take possession, if the Normans were not prepared beforehand to acknowledge him. And therefore, he summoned the states of Normandy, and communicating to them his design of going to the holy land, conjured them, in case he should never return, to receive, after his death, his young son William for their sovereign. The states did all that lay in their power to divert the duke from his journey; but finding he was not to be prevailed upon, gave him their promise with an oath, if any ill accident befel him on the road, they would conform to his will. To convince him of their sincerity, they swore fealty to William as the presumptive heir of the duke his father. This affair being settled to Robert's satisfaction, he appointed Alain, duke of Bretagne, his relation and vassal, seneschal of Normandy, giving him power to govern, in his absence, with an absolute authority. Then he carried his son to Paris, and delivered him into the hands of the king of France, who took charge of his education. Before

^b From whence it is said came the gulphus say, duke Robert took her to word harlot. Malmshury and la- wife. Malmsh.

he left the court of France, he made young William do homage to the king, as if he had been in actual possession of Normandy.

The absence of duke Robert occasioned troubles in his dominions, which obliged the duke of Bretagne to use some severity, and exert the authority he was intrusted with. But whilst he was earnestly endeavouring to restore peace and tranquillity, he was taken off by poison. This accident was soon followed with a report of the duke's being dead on the road. Notwithstanding the uncertainty of this news, it was the cause of commotions so much the more dangerous, as there was no body in Normandy capable of appeasing them. They who had the administration of affairs in their hands, were themselves engaged in factions, which had been forming ever since the duke's departure, and thereby helped to increase the confusion.

Whilst things were in this ill state, some of the duke's retinue arrived, and confirmed the news of his death. Upon which several of the principal lords, descended from the ancient dukes, began to cabal openly, to exclude the bastard from the succession. Plausible pretences were not wanting; but the states declared, they could not without perjury violate the oath they had bound themselves by. The resolution being taken of acknowledging William for sovereign, ambassadors were dispatched to the king of France to demand the young prince. After Henry was informed of the duke of Normandy's death, the shame of doing an ill action, and the desire of becoming master of Normandy, kept him in suspense. He was in hopes the troubles of that dukedom would turn to his advantage, and began to lay his schemes accordingly. However, when he found the states of Normandy had declared in favour of William, he thought proper to defer the execution of his designs, till a more convenient season. He chose therefore to conceal his intentions, and send home the young prince. As soon as William came to Roan, the states swore fealty to him, and gave him for governor Raoul de Gace, constable of Normandy.

The troubles were not allayed by the arrival of the new duke. The lords who claimed the ducal crown, could not resolve to drop their pretensions. They imagined the preferring a bastard before them, was a manifest injustice. But, as they who held the reins of the Government, were men of great prudence and interest, and thought to be supported by France, the claimants durst not openly avow their designs. Mean time, king Henry burnt with desire to im-

The king of
France at-
tacks duke
William.

prove these dissensions. The death of duke Robert made him forget the great service received from that prince. In fine, not being able to resist the temptation, he suddenly laid siege to the castle of Tilliers, to which he had some pretensions. This place being very strong and well provided with ammunition, would have held out a long time, if the duke's ministers had not ordered the governor to surrender it, on condition the castle should be demolished. Henry very readily agreed to these terms, and commanded the walls to be raised: but on some ambiguous clause in the capitulation, caused them to be immediately rebuilt. This success inspiring him with great hopes of his enterprise, he seized also upon Argenton. Then marching to Falaise, he became master of the town with the same ease. He would have made farther progress, if Raoul de Gace, having drawn together a powerful army, had not compelled him to retire. His retreat gave the constable opportunity of retaking Falaise, the French not having time to lay in any stores.

Revolt of
Roger de
Tresney.

As soon as the claimants saw, the king of France, instead of protecting the young duke, was making war against him, they began to stir again and prosecuted their respective pretensions. The first that appeared, was Roger de Tresney, standard-bearer of Normandy, descended from an uncle of Rollo. This lord, who had amassed great riches in Spain, where he long bore arms against the Saracens, returning home during duke Robert's absence, headed one of the factions that disturbed the state. As soon as he heard of that prince's death, he formed the project of seizing the dukedom. But his apprehension of the king of France's assisting duke William prevented him then from pursuing his designs. But this apprehension being removed by the proceedings of king Henry, he drew some troops together, imagining the duke's forces would be sufficiently employed against France. But he was presently after defeated and slain by Roger de Beaumont, who commanded the Duke's Army.

Malm.

Revolt of
the earl of
Arques,

William, earl of Arques, son of Richard II. by Pavia, was not discouraged by this example. As he found himself supported by the king of France, who put him upon action, he boldly sent a defiance to the duke. But the duke heading his army in person, pushed him so vigorously, that he compelled him to shut himself up in the city of Arques, where he besieged him. Henry, who had engaged the earl in this enterprise, thought himself obliged in honour to raise the siege. To this end he marched into Normandy, where he received

received two overthrows, and was constrained at last to abandon the rebel, who, upon the city's being taken, was sent into exile.

Guy of Burgundy, son of a daughter to duke Richard II. and of Guy de Burgundy. was the next that appeared on the stage. He had concerted his measures so well, that he was like to have surprised the duke's person, who was then at Valognes without any guard, ignorant of what was practising against him. But a certain fool, whom the conspirators did not mistrust, hearing their design, travelled all night to give the duke notice, who had but just time to put on his cloaths, and ride full speed to Falaise. What haste soever he might make, he was so closely pursued, that he must have been taken, his horse not being able to carry him thither, had he not been assisted by a gentleman whom he accidentally met on the road. This conspiracy seemed to him so dangerous, that he applied to the king of France for aid. Henry, either out of generosity, or for some other unknown reasons, being unwilling to suffer the young prince to be oppressed, brought him some troops himself, which enabled him to give his enemy battle. Guy being vanquished and taken prisoner, duke William, by an act of generosity, which redounded no less to his honour than the victory, freely gave him his pardon.

Chron. of Normandy. Mezerai.

William Guerland, earl of Mortagne, and another William, earl of Eu, son to a natural brother of Richard II. and of the earl of Eu. were likewise for attempting to dispossess the young duke. But being prevented by his diligence, they were sentenced to perpetual banishment.

The vigour and conduct shown by duke William during all these troubles, made his subjects conceive great hopes of him. His neighbours began also to consider him as a prince of distinguished merit, and capable in time of giving them trouble. The king of France in particular, grew extremely jealous of him, and blamed himself greatly for assisting him against Guy of Burgundy; but to retrieve that oversight, he raised him a fresh enemy, the earl of Anjou, whom however he only privately assisted at first. Afterwards he openly espoused his quarrel, and made a fierce war upon the duke, which lasted several years, but in the end turned to the disadvantage of the two allies. Duke William gaining two successive battles, they sued for peace, which the king of France could not obtain but by the surrender of the castle of Tilliers, taken by him during the duke's minority.

League of the French king with the earl of Anjou against duke William.

The war ends to his honour.

He chastises
the in-
fluence of the
Man of
Alençon.

During this war, as the duke was besieging Alençon, some of the inhabitants came upon the walls with skins in the hands, by way of reproach, for his mother being a skinner daughter. He was so provoked at this insult, that he swore by the splendor of God, his usual oath, he would be revenged. Some time after, becoming master of the town, he accomplished his oath by putting out the eyes, and cutting off the hands and feet of two and twenty of the insolent burghers.

Death of
Henry I.
king of
France.
Philip I.
succeeds him.

Henry died soon after this war. He was succeeded by Philip I. his son, a minor, under the guardianship of Baldwin, the fifth earl of Flanders, who had lately given his daughter Matilda in marriage to the duke of Normandy. The relation the regent stood in as well to the king, his pupil, as to the duke his son-in-law, made him take all necessary precautions to keep up between the two princes a good understanding, which lasted many years.

Duke Wil-
liam despoils
his father's,
and enriches
his mother's
relations.

Duke William took this opportunity to extinguish all remains of rebellion among his subjects. He banished great numbers, who, for the most part, retired into Apulia, to Robert Guiscard, a Norman gentleman, who made then a great figure in that country^c. The duke's Relations, by his father's side, giving him the most disturbance, he obliged almost all of them to quit Normandy. Their estates being confiscated to his use, he enriched with them his mother's relations, who, till then, were but in low circumstances. Robert, his uterine brother, had the earldom of Mortagne, forfeited by William Guerland. Odo, his brother, partook also of his bounty, and moreover was made bishop of Bayeux. Two of their sisters were married to the earls of Aumale and Albemarle.

He deprives
his uncle
Mauger.

Mauger, his uncle, archbishop of Roan, was not only concerned in all the plots against the duke, but had also the boldness to excommunicate him, on pretence of the too near relation between him and Matilda his wife^d. As soon as the duke was in a state of tranquillity, he resolved to be revenged on this prelate. To that end, having assembled all the bishops of Normandy at Lisieux, he caused him to be accused before them of several misdemeanors, particularly, his selling the consecrated chalices to supply his luxury. Upon these accusations, supported with all the duke's inte-

^c The Normans made themselves masters of Apulia, Calabria, Sicily, Normandy, and England, in less than two hundred years,

^d She was his first cousin, being daughter to Eleonora, duke William's father's sister,

rest, Mauger was solemnly deprived, and Maurillus elected in his room.

After duke William had thus humbled, or dispersed all that could create him any disturbance, his circumstances were such, that he might have spent his days in profound tranquillity, since he had nothing to fear either at home or abroad. But as he was of a covetous and ambitious temper, this tranquillity, which only procured him what he already enjoyed, was far from contenting him. It was probably with a view to new acquisitions, that he went to visit king Edward his cousin, who had no children, and perhaps had given him some hopes of being his heir. However this be, it is generally believed, Edward, during the duke's stay at the court of England, promised him to make a will in his favour. But though this will never appeared, and no proof of it was ever produced by the duke; it was however, according to all the historians, the pretence used by him, to undertake the conquest of England. Nevertheless, in the manifesto published upon his landing, he says not a word of this will or promise, of which he could not produce any evidence. We have seen in the foregoing book, what duke William did to support his pretended right till the battle of Hastings. It is time now to see, how he improved the success of that day to mount the throne of England, and the methods he used to secure the possession in spite of all opposition.

He visits
king Ed-
ward.

Hoved.
S. Dunelm.

It is easy to conceive the consternation of the English, after the loss of the battle of Hastings, and the death of their king. They were destitute of men, arms, and ammunition, but chiefly of a leader that had a right to command them, and take care of their present wants. On the other hand, the victorious Normans were not far from London, the only place where necessary measures could be taken to prevent the calamities the kingdom was threatened with. Harold's sons were fled into Ireland. Edgar Atheling was too young, and besides of too narrow a genius, to give them any prospect of assistance in this their pressing necessity. It is true, the earls Morcar and Edwin were still alive, and retired to London with part of the fugitive army. But to take proper measures on such an occasion, more time was required than, probably, the conqueror would afford them. Thus the affairs of the English were in a terrible confusion, all the methods proposed to free them from danger, being clogged with insurmountable difficulties. On the other side, the duke of Normandy, willing to take advantage of the terror

1c66.

Duke Wil-
liam's con-
duct after
the battle of
Hastings.
W. Piclav.

1066.

of the English, was now marching towards London * to increase, by his approach, the confusion that prevailed in the metropolis. But on a sudden he altered his resolution. He considered, though the loss of a battle had thrown the English into astonishment, yet there was no likelihood of their being entirely discouraged: that their case not being yet desperate, they might easily bring into the field fresh armies, and try again more than once the fortune of war: that, in such a case, should he chance to receive but one overthrow, he had no where to retreat to, nor any opportunity of sending for supplies from Normandy. These reflections made him resolve to besiege Dover, before he advanced any farther, to secure a retreat in case of necessity, and a Port where his convoys might easily come from Normandy. This precaution, even after his victory, is a clear evidence of the boldness, or rather rashness of his enterprise, since had he been vanquished, he would not have had a single spot in the kingdom to retire to. He marched therefore directly to Dover, a place naturally very strong, but was become more so by the great number of English officers and soldiers fled thither after the battle. For this reason it might have stood a long siege, but the consternation was so great, that it surrendered in a few days. As soon as the duke was in possession, he ordered the town to be more strongly fortified, and spent eight days there, to forward the works. After which he marched for London.

Kent sends
deputies to
him.
Thorn.

We find, in some histories, that the duke, as he was marching at the head of his army, saw at a distance a great multitude of people coming towards him with boughs in their hands, who, looking like a moving forest, at first somewhat alarmed him. But his surprise ceased, when he found they were deputies of the county of Kent, attended with great crowds of people, who were come to assure him of the submission of the county, and withal to demand the preservation of their ancient privileges. They who relate this adventure; add, the duke received them very graciously, and granted their request. But as William of Poitiers, who was then with the duke, makes no mention of this fact, there is reason to think it a forgery †.

Whilst

* He marched in the first place to Romney, where he revenged himself on the inhabitants for having killed some of his men, who by mistake landed at that place, W, Pictav.

† This story is repeated by William Thorn (see X scriptores) from a manuscript history of the monks of St. Augustine's Canterbury, written by Thomas Spot; who in all probability invented

Whilst the duke was before Dover, or on his march towards the Thames, the confusion at London continually increased by the diversity of opinions preventing them from coming to any resolution. Some were for submitting to the duke without loss of time: others believed it more advisable to treat with him first, and procure some assurances for the preservation of the privileges, not only of the city, but the whole kingdom. Some intimated, that things were not yet desperate; that the winter, which was begun, might give them time to concert measures for their defence: and with this view laboured to get Edgar Atheling placed on the throne. Edwin and Morcar were at the head of this party. But, how great soever their credit might be, it was not possible for them to carry their point. All they could obtain of the citizens, was, to shut the gates against the duke, till some resolution was taken. Mean while, the duke approaching the city, encamped in Southwark, separated from London by the Thames. He hoped his approach would oblige the Londoners to a voluntary submission, and in that belief lay quiet some days. This proceeding had a quite contrary effect to what he expected. Morcar and Edwin took this opportunity to excite the people to take arms and fall out to surprise the Normans, who were on the other side the bridge. This fall, which was easily repulsed, convinced the duke that other measures were to be taken, and the city vigorously pushed, of which he could have but small hopes of being master, if he gave the inhabitants time to recover out of their consternation. However, he was under some perplexity, as may well be thought, if it is considered, that although he had gained a battle, he was still very far from his ends. He had but one single castle, situated in the utmost bounds of the kingdom. All the rest of the country was against him, and there were several remote counties, where the English might draw an army together without molestation. And indeed there was no advancing towards the middle of the kingdom and leaving London behind him, without being exposed to manifest danger, and losing the communication with Dover, so absolutely necessary for him. On the other hand, it was hardly possible for him to un-

1066.

Great confusion at London.
W. Pictav.

S. Dunelm.

The duke approaches London.

invented it to magnify the valour of their Abbot and of the Kentish men. Tynd observes the improbability of it from the green boughs in the beginning of November. Somner has also in his treatise of Gavelkind confuted this relation. However Pictavensis

says, that not far from Dover, the people of Kent came, of their own accord, in to him, swore fealty, and gave hostages; and the city of Canterbury sent deputies to present him with her submission.

dertake

1066.

portance to the duke, he drew nearer the city as if he intended to besiege it. His approach immediately determined the magistrates, who, finding they were in no condition to defend a city, where all was in confusion and despair, chose to go and present him with the keys of the gates. He gave them a very favourable reception, and, it is said, promised with an oath to preserve their privileges. They had gone too far to draw back. The duke's whole conduct discovering he aspired to something more, they thought it best to prevent his wishes, since it was not in their power to hinder the execution of them. To this purpose, after advising with the prelates and lords, who had now submitted, they unanimously resolve to place the duke on the throne. Accordingly, they all went in a body, and made him an offer of the crown, telling him, they had always been accustomed to live under kingly government, and they knew no person more worthy than him to govern them. The duke, forgetting on this occasion, or pretending to forget, that he had entered the kingdom in arms, by virtue of his pretended right to the crown, showed at first some doubt, whether he should accept of the honour. He told them, their offer was of so great moment, that he desired, before he resolved, to advise with his friends. The result of which was, that he ought by no means to refuse the dignity voluntarily offered him by the English, since, by such a refusal, he would put it out of his power to reward his followers, who had engaged in his cause with the sole prospect of placing him on the throne. He was entreated therefore not to reject what Providence had been so kind as to throw in his way, and what had cost him so much blood already. The duke, easily yielding to these agreeable solicitations, returned in answer to the English lords, and the magistrates of London, that he was ready to consent to their request. Accordingly, he accepted the crown, as their gift, and tacitly acknowledged a right of election in the people of England, though the manner in which he caused himself to be elected, was no great sign of his being persuaded of that right. And indeed, what authority could the magistrates of London, and a few bishops, and lay-lords, have to dispose of the crown, without the concurrence of the estates? Notwithstanding the essential defect in this precipitate election, the duke appointed Christmas-day following, for the ceremony of his coronation. Mean while, as this solemnity was to be performed at London, the inhabitants whereof he suspected, he ordered a fortress to be run up in haste, which he garrisoned with Normans.

The keys
are delivered
to him.

The crown
is offered
him.

He hesitates
to take it.

He accepts
of it.
Malmsb.
M. Paris.

Stigand,

Stigand, archbishop of Canterbury, was then suspended ^{1066.} by the pope, as an intruder into that see, in the room of Robert, who was never canonically deprived. But notwithstanding this suspension, he exercised the archiepiscopal function, ^{His coronation.} the English not being yet convinced, the pope's power was ^{W. Piclav.} so extensive as he pretended. However, the duke, who was obliged to the pope, and besides was willing to avoid the objections that might be made to his coronation, if performed by a suspended bishop, would not receive the crown from the hands of Stigand. Aldred therefore, archbishop of York, ^{Ingulph.} performed the ceremony. Before he set the crown on his head, the archbishop, addressing to the English, asked them, whether they would have the duke of Normandy for their king? all the people consenting by their acclamations, the bishop of Constance put the same question to the Normans, who answered in the same manner as the English *. This last circumstance evidently shows the duke had even then resolved to make the English and Normans but one people. Otherwise, there was no occasion to ask the consent of the Normans, to make him king of England. What followed, plainly discovered this to be his real intention. The archbishop of York, continuing the ceremony, placed the duke on the throne, and administered to him the oath, usually taken by the Saxon kings. The substance of the oath, was, ^{Takes the usual oath.} "That he would protect the church and its ministers; that ^{Flor. Wig.} he would govern the nation with equity; that he would ^{S. Dunelm.} enact just laws, and cause them to be strictly observed; and that he would forbid all rapines and unjust judgments." Malmsh. ^{Malmsh.} adds, he promised to behave himself mercifully ^{P. 271.} to his subjects, and govern the English and Normans by the same laws ¹. If this historian do not deceive us, it may be inferred from this last article, that this prince had already determined to settle the Normans in England. There are ^{Brady.} writers however that affirm, king William took no oath at all, as unwilling to be bound to receive law from a conquered nation. But very probably they are mistaken. King William accepted the crown as a gift, and consequently had no reason to dispense with the usual oath. In the next place, only the Londoners can be said to have acknowledged him for sovereign. All the rest of the kingdom being still to conquer, what likelihood is there that a prince of his abilities should, at such a juncture, let the English see he intended to

* Thus William was elected king. —
Electus in regem. W. Piclav. — Rex
consecratus — Malmsh.

1 — Quod se modeste erga subje-
tos ageret, & aequo jure Anglos quo Fran-
cos tractaret. Malmsh. p. 271.

1066.

rule with an arbitrary sway. In fine, though the surname of conqueror is given him, it is certain, he never openly pretended to possess the crown by right of conquest, but rather, took great care that this title should never be clearly explained.

Among the things, which, contrary to all appearance, promoted the execution of king William's undertaking, that which I am now going to relate, is one of the most surprising. He had indeed gained a battle, which gave him opportunity of approaching London; and though he could scarce have taken that city, if the citizens and the rest of the kingdom would have done their duty, the gates were opened to him, and the crown set on his head. But as he was crowned without the advice and consent of the rest of the kingdom, he still seemed to have a great deal to do, to complete the conquest of a country, that resisted whole ages, the arms of the Romans, Saxons, and Danes. And yet, as soon as it was known that he was crowned at London, all the rest of England submitted to the new sovereign, without any one offering to dispute with him the possession of a crown, which no body knew by what title he could claim. Probably, if the English had resolved to elect a king of their nation, whether Edgar, or any other, king William would have still found many difficulties to surmount. Let us suppose, for a moment, this king to have drawn together an army in some remote place from London, what a perplexity would king William have been under? he could not have removed from London and Dover, without a manifest hazard of losing the capital city; nor have staid at London, without giving the enemies army time to increase. The bare mention of this consideration sufficiently shows how fortunate king William was to meet with no opposition. The reader, of his own accord, may reflect on a thousand difficulties king William would have found in his way, if the English had determined, even after the battle of Hastings, to make a vigorous stand. Most certainly, the more this enterprize, with all its consequences, is considered, the more extraordinary and almost supernatural it appears.

1067.

The king
distributes
Harold's
treasures.
W. Pictav.

The new king's first care, after his coronation, was to seize on the treasure laid up by Harold, at Winchester. He distributed part among the principal officers of his army, and part to the churches and monasteries, to gain the reputation of a pious and religious prince. The pope had also a share, whether he had lent the king money, or the king was willing to show his gratitude for favours received, when he embarked

barked in this enterprise. At the same time, he sent to Rome the late king's standard, as a sort of homage to the holy see, and a testimony, that the conquest of England was undertaken with the pope's approbation. Harold's treasures being thus distributed, ways and means were to be devised to fill the new king's coffers. To this end, it was intimated to the cities, corporations, and most wealthy of the subjects, that it would be proper to gain the good-will of their new master by some presents. Every one cheerfully consenting, these presents yielded the king a very considerable sum.

The cities and corporations make him presents.

The king's moderation to the English, in the beginning of his reign, gave them room to hope, they were going to enjoy a solid happiness, under the government of a prince, who seemed to have their interests at heart. Indeed, he exhorted the principal officers of his army to treat the vanquished with the moderation due from one christian to another. He entreated them to refrain from all kinds of insults to the English, lest by injuries they should be provoked to revolt. As for the inferior officers and soldiers, he published severe orders against such as should violate the chastity of the women, or give the least cause of complaint to the natives. Then he confirmed by a publick edict the people's privileges, and all the promises he had made in that respect. If we were to judge of princes by their manifestos, or the expressions in their edicts, we should be apt to imagine, they always make justice and equity the sole rule of their conduct. But their actions too frequently ill correspond with their words. These sorts of publick acts seldom fail however of producing a present effect, which is generally the only end proposed. King William found the English disposed to trust to his magnificent promises. They were so far from taking any measures for the preservation of their liberties, that they suffered themselves to be seduced by this seeming indulgence. These happy beginnings made them believe, the conqueror, in imitation of Canute the great, who behaved in the same manner, would use his utmost endeavours to gain the people's affection, that he might enjoy his conquest in peace.

He protects the English from violence,

and confirms their privileges.

How great a regard soever the king showed for the English, he could not forbear mistrusting them, persuaded as he was, that their submission proceeded rather from fear, than good-will. A few days after his coronation, he retired from London to Berking^a, not daring to stay in that great city, whose fidelity he suspected. But as he was not more sure of the

He is jealous of them. W. Piclav.

^a Where he spent his time in rural sports, until the fortress he had begun in London was finished. W. Piclav.

1067. rest of the Nation, he placed strong garrisons in Hastings, Dover, and Winchester, to take away from the English, the desire of shaking off their new yoke. Mean while, these precautions had no ill effect on their minds. They considered them as absolutely necessary, in the beginning of so great a revolution, and were not at all alarmed at them. On the contrary, they who had hitherto refused to acknowledge the new king, came and submitted to him in crowds. Edwin and Morcar, who had begun to concert measures for the defence of their country, altered all their projects. As they were convinced of the king's sincerity, like the rest of their countrymen, they went and swore fealty to him at Berk-
 1. He forgot nothing that could help to keep them in this mind. He not only assured them of his protection, but even in their presence bestowed on prince Edgar large possessions^o, who was the idol of the English, and generally styled England's darling.

Edwin and Morcar submit.

S. Dunelm.

The founding of battle-abbey.
 M. Paris.

The victory of Hastings was too glorious for the king to neglect to transmit the memory of it to posterity. For that purpose he laid the foundations of a church and abbey, in the very place where Harold was slain^p, and ordered, when they should be finished, the church to be dedicated to St. Martin^q, and the monastery called Battle-Abbey^r. Though the

^a S. Dunelm. and Hoveden say, that they swore fealty to him at Berkhamsted, with Alred and the rest. S. Dunelm. p. 195. Hoved. p. 450. With Edwin and Morcar, came many other noblemen of great estates, particularly earl Coxo, to all of which he restored their estates, and having taken their voluntary oaths of fidelity, received them into his favour. After this, he made a progress into several parts of the kingdom, ordering every where such things as were not only profitable to himself, but for his people in general; looking upon the common people with a benign aspect, pitying their condition, and ordering his men to treat them with mercy. W. Pictav.

^o And likewise gave lands to many of the English, as a token of his royal bounty: he also distributed great rewards to many of his followers; but however did not, for that purpose, take any thing unjustly from the English. Nulli tamen Gallo datum est quod Anglo cuiquam injuste fuerit ablatum, W. Pictav.

^p The high-altar was set upon that very spot of ground, where Harold's body was found; or, according to others, where his standard was taken up. Tyrrel, p. 13.

^q To St. Mary, and St. Martin. It was filled with Benedictine monks, from the greater monastery of Winchester, and was exempted from all episcopal jurisdiction whatsoever. Tyrrel, p. 13. See William's charter to it in Monastic. Anglican. and Selden's notes on Eadmer. p. 165.

^r In this abbey was kept an ancient list of all the noble families that came over with king William, it was called Battle-Abbey-Roll, of which Stow, and Hellinghead, have given us copies, though with some little difference. The authority of this roll (though it hath been cried up by some people) is so very indifferent, that it cannot be depended upon. "There are, says the learned Sir William Dugdale, great errors, or rather falsifications in most of the copies of it; by attributing the derivation of many from the French,

the desire of prayers for his own, and Harold's soul, was the pretence he used to make this foundation, probably vain-glory had no less a share in it than devotion. The three first months of this new reign passed in this manner, to the mutual satisfaction of the English and Normans. The former believed they were no great losers by the revolution, and the latter lived in hopes the king would perform the promises made them, when they engaged in his service.

King William's precautions procuring him an universal submission, he thought his happiness incomplete, if he had not the pleasure to go to Normandy, and appear in his new grandeur. This journey was not only unnecessary, but seemingly very dangerous, in the beginning of an empire established by arms. He imagined however he could prevent all revolts during his absence, by two precautions. First, by placing strong Norman garrisons in all the castles. Secondly, by carrying along with him such of the English lords as were most suspected. Of this number were prince Edgar, Sugand, Morcar, Edwin, Walthoff, son of Siward, formerly earl of Northumberland, with several others of the prime nobility. These lords were not over pleased with the honour he did them, being sensible he carried them into Normandy but as so many hostages, and to add to the glory of his triumph. However, they were forced to comply, for fear of giving him occasion to suspect them by an unreasonable opposition to his will. Before he left England, he committed the government of the kingdom to his brother Odo, bishop of Bayeux, and William Fitzosbern¹. There was no end of the rejoicings among his old subjects upon his arrival in Normandy. He spent his Easter at Fescamp, where the French ambassador², attended with a numerous retinue of nobles, came to congratulate him in his master's name upon his new dignity. On this occasion, the king affected to appear before the French with all the magnificence he thought capable of advancing the lustre of his glory. He passed all that summer, and part of the following winter in

1067.

The king goes into Normandy, and carries with him several of the English nobility. Malmsh. Brompt. W. Pictav. S. Dunelm.

He appoints two regents, Walsing. Ypodig.

¹ French, who were not at all of such extraction, but merely English. For such hath been the subtilty of some monks of old, that, finding it acceptable unto most, to be reputed descendants to those who were common with duke William in his expedition, therefore to gratify them, they inserted their names into that

"ancient catalogue." Preface to the first volume of his baronage.

² Odo was placed in Dover castle, and had the government of Kent, with the adjoining south coast; and Fitzosbern, at Winchester, in the castle the king had built there, with directions to look after the north parts.

³ Rodolph the potent, father-in-law to the king of France.

1067. were rigorous. To which he was also prompted by the Normans, whose interest it was that he should subdue the English by force, rather than gain them by mildness. This is the most that can be said in his favour, though there are some, who charge him with a settled design of reducing England to a state of slavery, before ever he received any provocation. Be this as it will, the confidence between the king and his new subjects was soon broken ^z, and from that time the king thought only of using all proper means to establish himself on the throne, without nicely examining whether the means were consonant to justice and equity.

Brady.

Matilda is crowned.
Birth of prince Henry.
Flor. Wor. S. Dunelm.

Not long after the king's return ^a, Matilda his queen came into England, and was crowned with great solemnity. This same year she brought into the world a son, named Henry. Her other sons were born in Normandy, namely, Robert, Richard, and William, the eldest of whom was about twelve years old.

1068.

The king rewards his troops.
Flor. Wor.

The king had hitherto delayed to satisfy those who had voluntarily assisted him in his expedition into England. Besides the stipends due to them, they expected to be rewarded in proportion to their services, and the power he had acquired by their means. His ordinary revenues not being sufficient for this, there was a necessity of having recourse to the English, whose misfortune it was to be vanquished. To this end, he bethought himself of an expedient, which could not but be very ungrateful to them. And that was to revive *dane-gelt* ^b, abolished by the confessor, which brought to their remembrance the calamities they had suffered under a foreign power. He plainly foresaw, the people would be extremely dissatisfied, and therefore endeavoured to prevent the ill effects of their discontent, by caressing the principal English lords, as far as his reserved temper would permit.

Restores *dane-gelt*.

Promises his daughter to Edwin.
Oderic.
Vital.

He was most apprehensive of earl Edwin, who, by his birth, honours, and personal merit, was in great credit with his countrymen. In order to prevent the earl's using the present occasion to raise new commotions, he thought proper to secure him to his interest, by promising him one of his daughters in marriage. Edwin was very well pleased with the offer, and instead of fomenting the dissatisfaction of the English,

^z William Gemeticensis says, that after William's return out of Normandy, there was discovered a conspiracy of certain English, who had contrived to destroy him and his followers, as they were to go to church bare-foot on Ash-wednesday; but the conspirators being discovered, fled into the north.

^a The next year, after Easter. She was crowned on Whitfunday, 1068, by Alfred archbishop of York. S. Dunelm. M. Westm.

^b The ancient historians only say, that he imposed on his subjects an intolerable tribute — importable tributum — Flor. Wor. S. Dunelm.

all he could to appease them. Aldred, archbishop of York, was not so easily managed. This prelate had entered so great an opinion of the king, that he was continually speaking in his praise. But when he saw him begin to take off the mask, by renewing a tax so odious to the nation, he altered his mind. He sent one to represent to him in his name, the injury he was doing the English, and the inconveniences that might follow. The king was offended with the remonstrance, and sharply rebuked the person that dared to deliver it. It is said, Aldred was so sensibly touched with this proceeding, that he could not forbear cursing the king and all his race. There was danger of the archbishop's argument occasioning some troubles in the north. At least the king seemed to be uneasy on that account, by his sending one of his officers to endeavour to appease him. But the death of Aldred, which happened at that time, freed the king from his fears, and dane-gelt was levied with all the rigour imaginable. From thence forward nothing was heard of murmurings and complaints, which incensing the king, made him to consider the English but as so many rebels, as they, on their side, looked upon him under the odious idea of a conqueror.

Archbishop of York sends a remonstrance to the king. Malmsh. p. 271. which is ill received.

Death of Aldred. Dane-gelt levied.

Before I enter upon the relation of the troubles in this reign, it will be proper to remark, the historians are very much divided concerning the causes that produced them. Some cast the blame on the English, and intimate the king did not severity till he found milder means were ineffectual. Others maintain, the king's ill usage of the English was the sole cause of their revolts. To decide this question, it would be necessary to examine the extent of a prince's power that had acquired the possession of the crown in the manner we have seen, and how far the obedience of a nation was due, who had submitted partly by compulsion, partly of their own accord. But upon these very points, there would be perhaps no less diversity of opinions. It is sufficient therefore to observe, that among the historians, who have writ of William the conqueror, some have studiously displayed all his good qualities, and but slightly touched upon his faults. Others have endeavoured to misrepresent all his actions, and aggravate even such as may be easily justified. So far is certain, the English were ill-treated in his reign. This the greatest sucklers for the conqueror and his race cannot deny, but acknowledge in his excuse, the necessity he was under of guarding against the English, ever prone to revolt. Others, on the contrary, ascribe the ill treatment of the English, solely to

Divers opinions about the king's conduct to the English.

1068. the avaricious temper of the king, and affirm, their revolts were entirely owing to their despair. Amidst these various opinions, the course I shall take, will be, plainly to relate such facts as are uncontested, without making any Reflections, that the reader may be at liberty to judge as he shall think proper.

Flor. Wor.
Huntingd.

Exeter re-
volta.

As matters stood between the king and the English, it was very hard for them to sit still, and not endeavour to shake off a foreign yoke, which to them seemed insupportable. The insurrections began in the western parts, where the inhabitants of Exeter refused to take their oath to the king, and admit a Norman garrison^c. William, sensible of what importance it was to put a stop to this evil before it spread any farther, marched in the midst of winter to reduce Exeter to obedience. Upon his approach, he was met by some of the principal citizens, to petition him for pardon in the name of the corporation, and give him hostages. But, whilst the deputies were with the king, the ordinary sort of townsmen being superior, disapproved of their proceedings, and resolved to stand upon their defence. Githa, mother to king Harold, who was then in the city, encouraged the inhabitants in their resolution, and, probably, was the person that put them upon it. Mean time, the king being too far advanced to retire with honour, found himself obliged to besiege the town in form, notwithstanding the sharpness of the winter.

They submit, and are pardoned,

The king builds a castle,

He seeks means to pay his debts.

The approaches being made, and the battering engines beginning to play, the citizens saw no other remedy but to implore the king's mercy. How much soever the king was bent to make an example of them, he yielded to the entreaties of the clergy, who were very urgent for their pardon. Githa had the good fortune to escape into Flanders with a great quantity of money. To prevent a second insurrection, William ordered a castle to be built in the city, and left it to the care and management of Baldwin, son of earl Gilbert, with a Norman garrison.

The king could no longer delay the Payment of his debts, and the rewards so often promised to his troops. The sums raised by the tax of *dane-gelt*, which at first were designed for this use, had been paid into the king's treasury, and he could not bear the thoughts of parting with the money again. He believed it absolutely necessary to have a reserve upon any sudden occasion, especially as the murmurings of the English gave him room to dread a general revolt. And therefore,

^c Though they offered to pay him tribute. Tyrrel, p. 16.

without

1068.

that meddling with that money, other means were to be taken, which very much inflamed the discontent of the English. Commissioners were sent into all the counties, to enquire who joined with Harold, and confiscated their estates. The English loudly exclaimed against this seemingly very unjust enquiry. They alledged, when they took arms for Harold, that prince was in actual possession of the throne, having been elected at a time when William's pretensions to the crown were unknown. That before the battle of Hastings, they had never taken their oath to the duke of Normandy, and consequently their estates could not be liable to confiscation for bearing arms against him. That besides, supposing they were guilty, they had made ample amends for their crime by a ready submission, which the king had accepted of, and been promised to protect them in their rights and privileges. These reasons were very strong. But on this occasion, a king acted with a view to politicks rather than justice. His intent was not to punish them for their pretended crime, but to have a plausible pretence to raise money, and without it out of their power to hurt him, by depriving them of their estates, a thing he judged absolutely necessary for his own safety and quiet. Accordingly this fact is slightly passed over by the king's friends, and an act of justice done by him on this occasion, is highly extolled, namely, the restoring a confiscated estate to an English lord, who proved he was not in arms for Harold. However, we may be assured, that this was one of the most remarkable events of this reign, when the confiscated lands passed into the hands of the Normans and other foreigners, who thereby became more considerable in England than the English themselves. From this descended many noble families now in being. However this be, these confiscations were of great service to the king upon two accounts. First, as they enabled him to pay his debts, and reward his followers. Secondly, as they gave him an opportunity of filling the counties with such as were devoted to him, and whose interest it was to support him in the throne.

Whilst the king was thus guarding against the English, he daily forfeited their esteem and affection, and naturally led them to devise means for the recovery of their estates. Edwin, earl of Chester, one of the most considerable among

W. Pittav.

Edwin and
Morcar re-
volt.
Vital.
Sax. Ann.
S. Dunelm.

¹ Sharnburn in Norfolk, which the emperor had given to Warren the Norman. But Edwin, the lord of it, proving he had not sided with Harold,

it was restored to him. Tyrrel calls this fact in question, because this estate is not mentioned in doomsday-book, as in possession of the said Edwin.

1068. them, thought it his duty to attempt the restoring of the almost desperate affairs of his country. The king had amused him with hopes of one of his daughters, but there was no likelihood he intended to perform his word. On the contrary, the king seemed to want only some pretence to involve him in the same ruin with the rest. Morcar, his brother, earl of Northumberland, who was in the same situation, very readily engaged in the plot. As these two lords had a very great interest in the kingdom, they soon raised an army, which was reinforced by Blethwin king of Wales, their nephew, with a good number of troops*. The king had reason to fear this revolt would become general, unless he timely opposed its beginnings. Accordingly he drew his forces together with the utmost expedition, before the evil spread any farther. In his march towards the rebels, he fortified the castle of Warwick, and made Henry de Beaumont governor, who was also the first earl of Warwick†. At the same time he built likewise Nottingham castle, to secure a retreat in case of necessity, by means of these two places. Having taken these precautions, he continued his march towards the north, to engage the rebels, or besiege York, which had sided with them.

Brady.
The king
marches a-
gainst them.

He builds
castles.

Edwin and
Morcar sub-
mit, and are
pardoned.

York sur-
renders;
where the
king builds
a castle.

Mean time, the two earls hoping the rest of the kingdom would follow the example of the north, were very much deceived in their expectations. The king's great diligence; and the superiority of his forces breaking all their measures, they found themselves unable to resist him. In this extremity they had but two ways to take, either to fly the kingdom, or submit to the king's mercy. They chose the last, and found their account in it. How much soever the king might be incensed, he very readily pardoned them, with a view to reclaim the English by this act of clemency. He pursued however his march towards York, the inhabitants whereof, little able to sustain the burden of the war alone, came out to meet him, and delivered up the keys of their city. By this submission they were pardoned as to corporal punishments; but were forced to pay a large fine, and had the mortification to see a castle built in their city‡, and gar-

* Blethwin's or Bliden's father married Editha, Edwin's sister, after whose death she was married to Harold. Ord. Vit.

† He was brother of Roger de Bello-monte, son of Humfrid de Vetulis, son of Turolf of Pont Adomar, by Wera. He was called Henry of Newburgh,

from the place of his birth, a castle in Normandy, and was made earl of Warwick, after the survey. Gemet. l. 7. c. 4.

‡ He built two castles there, in which he put five hundred soldiers. S. Dunelm.

risoned with Norman Soldiers. Archil, a Northumbrian lord, who had been concerned in the revolt, was also received into favour upon delivering his son in hostage ¹. Egelwin, bishop of Durham, made his peace likewise upon the same account. 1068.

The king's clemency to the heads of the rebels might have had a good effect, if at the same time that he pardoned some, he had not punished others who were much less guilty. He ordered great numbers to be shut up in prison, who had no hand at all in the late insurrection, and thereby gave occasion to think the mercy shewn to the leaders was only a strain of his policy. This conduct spread a terror throughout the kingdom, which was still increased, when castles were seen building at Lincoln, Huntingdon, Cambridge, which were evidently designed to keep the English in awe. Morcar and the other Northumbrian lords ¹, dreading their punishment was only deferred till a more convenient season, retired into Scotland. Earl Gospatrick was under the same apprehensions, and instilled them into prince Edgar, who, by his advice, fled to the court of Scotland, with his mother and sisters ². Malcolm Canmore, who was then on the throne, received them with the respect due to their rank; and considering their birth rather than their fortune, married soon after Margaret, Edgar's eldest sister. From this marriage sprung Matilda, grandmother to Henry II. king of England, in whose person the Saxon and Norman royal families were united. *The king's clemency seems doubtful.* *He builds castles in several places. Several lords with prince Edgar retire into Scotland.* *S. Dunelm. M. Paris.*

The king was not sorry to see himself rid of his secret enemies, who gave him much less uneasiness being in Scotland, than if they had staid in England. However, the flight of these lords discovering how the English stood affected towards him, he resolved to take all possible measures to screen himself from their resentment. For that purpose, he took two precautions which were equally insupportable to *1069.* *The king takes from the English their arms, and establishes the curfew.* *Pol. Virg.*

¹ Archil married Sigrid, daughter of Egfrid, daughter of Aldun bishop of Durham. This Archil seized part of Northumberland that was waste, and inhabited it. By Sigrid he had a son, named Gospatrick, and he another of that name, afterwards earl of Northumberland. S. Dunelm.

² Marleswein, Merter, Welthers, and other lords, as well as bishops, clergy, and others, afraid of being imprisoned on account of the late insur-

rection, retired, some to the king of Scots, others into woods and deserts, from whence they frequently sallied out, and annoyed the Normans, who were possessed of their estates. M. Paris.

³ He embarked, with his mother Agatha, and his sisters Margaret and Christina, in order to return into Hungary, his native place; but was driven by a storm into Scotland, where he staid. M. Paris.

1069. *them:* The first was to take away their arms¹. The second to forbid them any lights in their houses after eight o'clock. At which hour a bell was rung to warn them to put out their fire and candle, under the penalty of a great fine for every offence. The sound of this bell, called the *couvre-sew*, was for a long while very grating in the ears of the English. When they reflected on the sweets of liberty, enjoyed under their ancient kings, they could not without extreme grief behold themselves reduced to such slavery. If this order was not most punctually observed, they were sure to be immediately punished as if guilty of some heinous crime. This bell therefore was as a signal, which being repeated every day, constantly put them in mind of their slavery. This oppression, joined to a thousand others, which they daily suffered from the hands of the king, as well as from the foreigners, embittered their lives and made them deplore their sad and helpless condition. In this manner several historians represent the state of the English at that time.

Harold's
sons make a
descent.
S. Dunelm.
Flor. Warr.
Malmsh.
p. 504.

Whilst the king was thus guarding against the secret practices of his subjects, Goodwin, Edmund, and Magnus, sons of Harold, made a descent in Somersetshire. The only opposition they met with, was from Ednoth, formerly master of the horse to the king their father, who was willing to give king William a proof of his fidelity by encountering these princes. His zeal for the new king proved fatal to him, for he was slain in the battle, after which they retired laden with booty.

English and
Normans
complain one
of another.

If the historians on the side of the English may be credited, England was then in a piteous state. The Normans, supported by the king's favour and protection, daily committed outrages against the English, for which they could expect no redress. Others, more friends to the Normans than to the English, assure us, the English, enraged that the king's measures should put it out of their power to shake off a yoke which they bore with impatience, found fault with the Normans in general. They add, scarce a day passed but the dead bodies of assassinated Normans were found in the

¹ This doth not appear from the ancient historians. And as for what follows about the curfew (qu. *couvre-sew*, or cover-fire) Polydore Virgil is the first who mentions it. There is a passage quoted out of William Malmshury, p. 156. to countenance that notion, but whether it does any way confirm it, I

leave the reader to judge: — *lucernarum usum noctibus in curiâ restituit qui fuerat tempore fratris intermissus*, — i. e. he [Henry I.] restored in his court the use of lights at night, which had been left off in his brother [William Rufus's] time. But is this any thing like a curfew?

1069

woods or highways, without any possibility of discovering the authors of these murders, so firmly did the English stand by one another. In all appearance, the king was persuaded, the English were wholly to blame, since he published a severe edict, ordering that when a Norman should be slain or robbed, the hundred where the act was done should be responsible for the crime, and pay a large fine. This law was not new to the English. From the time of Alfred the great, it had been in force in the kingdom^m. But what extremely provoked them, was, that this edict was made in favour of the Normans only.

Edict in favour of the Normans. Leges Will. cap. 53.

How gracious soever the king might be to the foreigners, Several many of them desired leave to return homeⁿ. The king readily granted their request, paying the arrears due to them, and rewarding them beyond their expectation. All this was done at the expence of the English, on whom were levied the sums necessary to defray this charge.

Normans quit England. Ord. Willel.

Occasions of complaint continually increased on both sides. The king complained, the English appeared ready upon all occasions to rebel, and the English thinking themselves unjustly oppressed, loudly murmured at it. The Northumbrians were the most impatient. We have already seen in several parts of this history, that they were used to be, as it were, their own masters, and could not bear a state of slavery. The same spirit still reigned among them. They could not forbear expostulating upon the least occasion, and often ushered in their complaints with some insurrection. The turbulent temper of these people, and the neighbourhood of Scotland, creating some dread in the king, he resolved to appoint them for governor, Robert Cumin, a Norman lord, whose rough disposition seemed proper to tame their fierceness. They heard this news just as a project of calling in the Danes was going to be executed. Some of them who had taken refuge in Denmark, had persuaded king Sweyn, he might easily conquer England. Nay, they Huntingd.

Robert Cumin made Governor of Northumberland. S. Dunelm.

The Northumbrians call in the Danes. Huntingd.

^m In the time of the Danes, when the body of an unknown person was found murdered, it was taken for granted it was a Dane, and the hundred paid the mulct. Thus William only revived an old custom, by changing the name of Dane into that of Norman. Bacon's hist. c. 40. p. 62. Rapin.

ⁿ About this time (says Ordericus Vitalis) some of the Norman ladies wanting their husbands, sent for them to return, and withal let them know

if they returned not, they must have other men to relieve their necessities. Hugo de Greutmessail, who presided at Winchester; Humfrid de Teloh, governor of Hastings, with many others, returned into Normandy. His soldiers likewise, wearied with the desolations of the country, importuned him for their release that they might retire to a fixed place of abode; which he granted, and dismissed them with plentiful rewards. Ibid.

had

1069.

had brought assurances from the Northumbrians, that they would assist him in his undertaking. Sweyn fitted out a fleet of two hundred sail, which was ready to put to sea, when Cumin, with seven hundred Normans, came and took possession of his government. As his arrival might obstruct the designs formed in the north, the principal conspirators resolved to rid themselves of so troublesome an inspector with his attendants. Though he had notice of their intent^o, he thought it so little in their power to hurt him, that he neglected the intelligence. Mean time the conspirators privately drawing some troops together, came to Durham, where Cumin lay in a careless manner, and put him and his Norman followers all to the sword^p. Presently after arrived the Danish fleet under the command of Osbern, brother to the king of Denmark^q. All the male-contents immediately joined the Danish general, who had now landed his troops^r. Edgar Atheling, Walthoff, Gospatrick, Merlesweyn, and all the other lords who had retired into Scotland, brought him reinforcements, which rendered his army very formidable. As all Northumberland was for the Danes, and the king had not in those parts any forces capable of withstanding so numerous an army, Osbern marched directly to York. The Norman garrison, upon the approach of the Danes, resolved to hold out to the last extremity, not doubting but the king would come to their relief with all possible expedition. In this expectation they set fire to the suburbs, at the foot of the castle, that the houses might not be of service to the besiegers. But the fire spreading farther than was designed, a great part of the city was reduced to ashes. The cathedral church, the monastery of St. Peter, and a famous library begun by archbishop Ecbert about the year 800, were entirely destroyed. Mean while the Danes taking advantage of the confusion, caused by this accident, entered the city without opposition. As soon as they were masters of it, they

Sax. Ann.

Cumin
slain, and the
Danes land,
and are joined
by the
male-contents.
Sax. Ann.
Mat. Paris.

They besiege
York.
S. Dunelm.
Brompt.

^o From Egelwin, the bishop, who went out to meet him, and advised him to beware of treachery. The Northumbrians unanimously resolved beforehand never to submit to a stranger, and therefore agreed either to kill him, or to die themselves. The earl coming to Durham, suffered his men to treat the people like enemies, killing some of the bishop's tenants. S. Dunelm.

^p They flocked to Durham in the night, and forcing the gates in the morning, rushed in, and slew as many

of the earl's attendants as they could meet with. Cumin fled for refuge into the bishop's palace, but it being set on fire by the conspirators, all that were in it perished in the flames. Of the seven hundred Normans, but one escaped. This was done January 28. S. Dunelm.

^q There came Sweyn's two sons, Harold and Canute; earl Turkill, and Christian their bishop. S. Dunelm.

^r In the mouth of the Humber. S. Dunelm.

attacked

and the citadel so vigorously, that they took it at the first 1069.
 assault, and put the garrison to the sword *. After this, the
 Danish general, understanding the king was preparing to
 march against him, went and encamped in an advantageous
 situation, leaving in York earl Walthoff, with an English gar-

The news of this invasion alarmed the king. He was The king
 and the Danes were called in by a general combination. dreads an
 affected with this notion, he durst not quit the heart of the universal
 kingdom, for fear his absence would give the rest of the revolt.
 the contents an opportunity to rise. On the other hand,
 was no less dangerous to neglect the affairs of the north,
 which might be attended with fatal consequences. In this
 anxiety, he believed it advisable, before all things, to
 endeavour to pacify the English by some acts which seemed M. West.
 proper to that end. He recalled several whom he had ban-
 ished, set others at liberty, and affected by some instances
 of clemency to repress the insolence of the Normans †. His
 anxiety being abated by the good effects of these proceedings,
 he sent the queen and the princes into Normandy, and then
 marched against the Danes. He was so provoked with the
 Northumbrians, that he was heard to swear by God's splen- Hoved.
 dour, he would not leave a soul alive. As soon as he en-
 tered Yorkshire, he began to execute his threats by terrible
 ravages. Mean time the Danes kept their post, where he
 durst not attack them, well knowing, by hazarding a battle,
 he risked his all against little or nothing. To extricate
 himself out of this difficulty, he believed his best course would
 be to bribe the general. For that purpose he sent private He bribes
 emissaries to offer him a large sum of money, with leave to the Danish
 to wander the country along the sea coast, provided he would general to go
 depart when winter was over. This negotiation succeeding off.
 to his wish, Osbern retired in the beginning of the spring, Flor. Wor.
 by which he was severely punished by the king his brother. S. Dunelm.
 The Danes being gone, the king marched to York to be- The king
 siege the city, defended by an English and Scotch garrison, besieges
 under the command of a brave governor *. This was earl York.
 Walthoff,

* More than three thousand Nor-
 mans were killed. William Malet, the
 vizcomes, and his wife and children,
 with Gilbert de Gaunt, and some few
 others were spared. S. Dunelm, p.
 199.

† To this time Mr. Tyrrel refers that
 considerable transaction related by Roger
 de Hoveden, that William caused cer-

tain wife and noble Englishmen through-
 out all England to be summoned, that
 he might hear from them the laws and
 ancient customs thereof, and confirm
 them. Tyrrel, p. 21. See R. Hoved.
 p. 601, &c.

‡ But he took Oxford in his way,
 which had revolted against him, and
 soon reduced it. From Oxford he
 marched

1069.

Malmfb.
Walthoff
bravely de-
fends it.
Capitulates,
and is pander-
oned.
Ord. Vital.
Marries
Judith the
king's niece.

The king
ravages Nor-
thumber-
land.

Malmfb.
p. 103.
Brompt.
Ingulph.

Walthoff, who, by his courage and conduct, rendered the siege so long and difficult, that the king began to despair of success, when the want of provisions obliged the besieged to capitulate. How intensified soever the king might be, he readily granted honourable terms to Walthoff, whose valour he had so often admired during the siege. He was not satisfied with shewing him this mark of his esteem, but gave him in marriage his own niece, daughter to the countess of Albemarle *. Some time after, he made him also earl of Northampton and Huntingdon, and lastly of Northumberland. He received likewise into favour earl Gospatrick, but punished severely the rest of the officers and soldiers of the garrison, laying a heavy fine upon the citizens of York. As soon as the siege was over, and the king found it in his power to be revenged of the Northumbrians, he ravaged their country in so merciless a manner, that for sixty miles together, between York and Durham, he did not leave a single house standing †. He spared not even the churches and other publick edifices. This is what William of Malmfbury, though a Norman, durst not deny. His pretence for thus laying the country waste, was, to prevent a second Danish invasion. But the method he took, was a clear evidence, it was to gratify his revenge, and strike a terror into the rest of the kingdom. It is impossible, according to the historians, to describe the miseries of the northern counties. The lands lying untilld ‡, and the houses being destroyed, people died in heaps, after having endeavoured to prolong a wretched life, by eating of the most unclean animals, and sometimes even human flesh §.

The

marched on by Nottingham towards York; when he came into Yorkshire, he slew the greatest part of the people, and laid the country waste; and engaging the enemy at York, he put the strongest to flight, and destroyed all the rest with the sword. Ord. Vital.

* His sister by the same mother. His niece's name was Judith. Gernet.

† About this time Egelric bishop of Dorham was deprived, and his brother Egelwin put in his room. M. Paris.

‡ This occasioned a terrible famine, of which there is a melancholy account in S. Dunelm. The lands lay untilld for nine years.

§ King William, as soon as he came to Durham, ordered a castle to be built there. S. Dunelm. p. 49. Christmas

approaching, he caused his crown, &c. to be brought to York, where he kept that festival. As soon as the holidays were over, he marched against a party, who had fortified themselves in an inaccessible angle of that country, and having pursued them as far as the teys, he marched over mountains, and through woods, almost cross the kingdom into Cheshire, to be revenged on the Welsh, who had lately besieged Shrewsbury; but upon his arrival with his army at Chester, he thereby quieted the whole province of Mercia: and Edric the forester having now made his peace, the king built a castle there, and another, in his return out of those parts, at Stafford, putting strong garrisons into both. From thence he came to Salisbury,

The step lately taken by the English in calling the Danes into the kingdom, thoroughly convinced the king, he should never be in peaceable possession of the crown till he had entirely put it out of their power to execute the projects formed against him. This made him resolve to humble in such a manner all that had any interest with the people, that they should not be able to make any considerable effort. It is true, many innocent persons were to suffer in the execution of this design. But at that time, it is certain the king thought only of his own safety, without troubling himself, whether the means he used were consistent with justice. To accomplish his ends, he suddenly removed the English from such posts as gave them any power over their countrymen. After which he dispossessed them of all the baronies and the fiefs of the crown in general, and distributed them to the Normans and other foreigners who had followed him into England. But as these last were not so many in number as those that were deprived of their estates, he was obliged to load them, as I may say, with benefits, in order to draw all the crown lands out of the hands of the English. We may be satisfied with the following instances, how profuse the king was in this distribution. Robert, his uterine brother, had the earldom of Cornwall, in which were two hundred and eighty-eight manors ^a, besides five hundred and fifty-eight ^b, which he possessed in other counties. Odo, bishop of Bayeux, his other brother, was made earl palatine of Kent, and justiciary of England. This prelate had one hundred and eighty fiefs in Kent alone ^c, and two hundred and fifty-five in several other places. William Fitzosbern was rewarded with the whole earldom of Hereford ^d: Hugh Lupus of Almonches, the king's sister's son, was presented by his uncle with the county palatine of Chester, with all the royal prerogatives, to

1076

The king
treats the
English very
ill.

Ingulph.

He gives
their places
and estates
to Normans.

Brady,
Vol. II.
p. 197.

Wessex, where he kept his Easter, and largely rewarding his soldiers, he dismissed them. Ord. Vit. ———
During William's absence in the north, the sons of the late king Harold, having procured from Dermot, king of Ireland, a fleet of sixty sail, landed again not far from Ex-ter, plundering and burning wherever they came: but Eicn, son to Eudo, earl of Bretagne, caught them twice in one day, killing seven hundred of their men, with division of the Irish nobility, the rest flying to their ships, returned into Ireland.

W. Gemet. Ord. Vital. Tyrrel.

^a Brady says two hundred and forty-eight.

^b According to the same author, it was but five hundred and forty-five: and in all seven hundred and ninety-three.

^c Brady says one hundred and eighty-four; in all four hundred and thirty-nine.

^d And also the Isle of Wight. He was fewer of Normandy, and placed with Walter Lacy, the king's standard bearer, to oppose the Welsh.

hold

1070.

hold it in full sovereignty as the king himself held his crown. Alan Fergeant, duke of Bretagne, the king's son-in-law, had all earl Edwin's estate with the same privileges as were granted to the earl of Chester^c. Roger de Montgomery had first Arundel, Chichester, and afterwards Shropshire. Walter Giffard had Buckinghamshire, and William Warner, the county of Surry. Eudes, earl of Blois, was put in possession of the lordship of Holderness. Ralph de Guader^d, a Breton, was made earl of Norfolk and Suffolk, and lord of Norwich. Henry de Ferraris received Tutbury castle^e. William, bishop of Constance, was possessed of two hundred and eighty fiefs, which he left at his death to Robert Mowbray his nephew. It would be endless to mention all the donations granted by the king to the foreigners, at the expence of the English. These are sufficient to show, the intent of this profusion was solely to deprive the English of their estates. This therefore is a memorable epocha, when, to speak in the language of the historians, England was delivered into the hands of foreigners. It may easily be conceived, the lords, to whom the king distributed so many estates, suffered none to hold of them but those of their own nation. Accordingly from that time, we hear no more of ealdormen, or thanes, but of counts, or earls, viscounts, barons, vavassors, esquires, and other titles taken from the Norman or French tongue, which began to be introduced into England instead of the Saxon names. So that England may be truly said to become Norman. Perhaps even its own name would have been changed for that of Normandy, if some things, spoken of in the following reigns, had not made the Normans, settled in England, desirous of being considered as Englishmen, and even taking the name. Be this as it will, from the foreigners, who were then put in possession of these lands, are derived a great part of the most eminent families this day in the kingdom.

Brady,
Vol. I.
p. 270.

The king breaks thro' the clergy's charters. M. Paris. It was not only the English nobility that were sufferers by the conqueror's new plan: the clergy met with no better quarter. The Saxon kings had granted to several bishops and abbots lands exempted from all military service, de-

^c Rapin, by mistake, says Morcar's estate. The words of the grant are, Ego Gulielmus cognomine bastardus do, &c. Alano, &c. omnes villas & terras quæ nuper fuerunt comitis Edwini in eboracira cum feodis militum, &c. These lands, when given, were gildable, but by the king's favour were

changed into a liberty or honour, now called Richmondshire, from a castle of that name, built by earl Alan.

^d Now Guader, a castle in Bretagne.

^e Though he was no earl at the time of the survey, he had then an hundred and seventy-six lordships, besides Tutbury castle.

nouncing

some in their charters imprecations against such of their successors as should dare to violate these privileges. But King William, not being one of those scrupulous princes who looked upon what their predecessors have settled as unalterable, cancelled all these immunities^h. Church lands as well as the rest, were obliged to find, in time of war, a certain number of horsemen, notwithstanding the clauses in their ancient charters to the contrary. Such of the clergy refused to comply, only gave the king what he wanted, a pretence to dispossess them and place foreigners in their room. Moreover, he quartered upon the monasteries almost all his troops, and obliged the monks to find them in necessities. By this means, he kept his army without any charge, and had spies in all the religious houses, who watched the actions of the monks.

All this not sufficing to make the king easy, he bethought himself of another expedient, which drew upon him the imprecations of the people, and especially of the monks. Some of his emissariesⁱ informing him that many persons had lodged their money and plate in the monasteries, he took occasion to order all the religious houses to be searched, and everything of value to be seized, on pretence it belonged to the rebels. Some historians affirm, he did not spare even the shrines of the saints and the consecrated vessels. Very probably, the clergy's zeal, after the battle of Hastings, to place a prince on the throne, was entirely owing to the fear of losing their effects. But on this occasion, that had but too much reason to perceive how greatly they were mistaken in their politicks.

How severely soever the king had used the clergy, he was not yet satisfied. The great credit of the bishops and abbots still making him uneasy, he resolved to be rid of the most suspected. To proceed in the least blameable manner, he sent for two legates from Rome^k, who convened a council at Winchester^l, where every thing passed to his wish. Sigand, archbishop of Canterbury, was degraded for intruding into the see, Robert his predecessor not having been canonically deposed. This was probably a sacrifice offered by the king to the pope, for it does not appear he had any

He seizes the money and plate in the monasteries. S. Dunelm. Sax. Ann.

Several bishops and abbots are deposed. Ingulph. S. Dunelm. Brompt. Malmib. de Pontif.

^h Mr. Selden is of opinion, that this burden was not laid upon the bishops, monks and greater abbies, without their own consents, given in a synod or great council of the kingdom, which the king held this year at Winchester.

ⁱ Ibid. p. 25.

VOL. II.

^j Particularly William Fitzosbern, earl of Hereford, &c. S. Dunelm.

^k Hermenfred, bishop of Sedun, and John and Peter, Cardinals. S. Dunelm. p. 201, &c.

^l Rapin by mistake says Westminster. S. Dunelm.

1070. reason to complain of the archbishop. The same council ~~also~~ also deposed Egelmer, bishop of East-Anglia, whose see was at Helmham. Agelric, bishop of Selsey^a, and some others, whom the king did not like, were likewise sacrificed to his jealousy. As for others, against whom the council had nothing to alledge, the king, by his sole authority, banished some the kingdom, and threw the rest into prison, without any legal proceedings, or giving other reason than his good pleasure. After he was thus clear of all that gave him any uneasiness, he placed in their room Normans or other foreigners^b, for all were acceptable but English. He promoted Lanfranc, an Italian, abbot of a monastery at Caen, to the archbishoprick of Canterbury^c, and Thomas, a canon of Bayeux, to that of York. Three of his chaplains were made bishops of Winchester, Helmham, and Selsey^d, and Norman abbots were placed in the monasteries, from whence the English were removed. This however must be said for the king, that he made choice of persons of eminent worth to fill the vacancies.

Lanfranc
made arch-
bishop.
Hoved.
M. West.
Eadmer.
Sax. Ann.

Let it not be imagined that I have used any exaggeration, in what has been said concerning the usage of king William to the English, or affected to follow those who made it their business to blacken his reputation. Whoever will be at the pains to consult the original historians, will easily be convinced of the contrary. They will see, there is not a single circumstance but what occurs in the histories, written during his life, or shortly after his death, by authors most desirous to justify his conduct. It is therefore a groundless assertion of some of our modern writers, to say, this prince never acted as conqueror, but constantly followed the ancient laws and constitutions of the realm.

The king's whole conduct demonstrating to the English that his design was to reduce them so low that they should

^a He was afterwards unjustly imprisoned at Marlborough. S. Dunelm. p. 292. Rapin calls him by mistake, bishop of Durham; whereas the bishop of Durham then was Egelwin, who fled into Scotland at this time. S. Dunelm.

^b He used his utmost endeavours to remove many of the English turned out as he could, that he might put some of his countrymen in their room. S. Dunelm.

^c Mr. Tyrell thinks, that Lanfranc was elected, or at least confirmed by the great council of the kingdom, according

to the Sax. Ann. in Marg. — In this council he likewise supposes, that the bishops and greater abbots gave their consents that, for the future, their lands should be held by knight's service: from which time, the bishops and abbots, who sat before in our councils and synods as mere spiritual persons, appeared henceforward in the great councils of the kingdom among the lay nobility, as the bishops do to this day. Tyrell, p. 28, 29.

^d Walkelin was made bishop of Winchester, Arlact of Helmham, and Selgand of Selsey. S. Dunelm.

never

1070.

never more be able to hold up their heads, some of the principal among them thought now was the time or never, to make a vigorous effort to prevent their utter ruin. Fretheric, abbot of St. Albans, was one of the most zealous to inspire his countrymen with this resolution, and by means of his interest and riches it was that a fresh combination was formed to drive the king and the Normans out of the kingdom. Matters were carried on with that secrecy, that the conspirators suddenly drew an army together, before the king had any notice of it. This army growing very numerous in a few days, the abbot of St. Albans sent for Edgar Atheling out of Scotland, and put him at the head of the malecontents, by whom he was acknowledged for king, and proclaimed in all the places they were masters of. This bold enterprise made the king extremely uneasy, who was ever apprehensive of being deprived by some sudden revolution of the fruit of all his labours. He communicated his thoughts to Lanfranc the new archbishop of Canterbury, who advised him to deal more gently with the English, intimating the absolute necessity of a speedy negotiation with the revolvers, lest the flame, already kindled, should over-spread the whole kingdom. The king took his advice, and after many fair promises, found means to engage the heads of the malecontents in a conference at Barkhamstead. He calmly heard all their complaints, and promised to redress their grievances. Nay, he swore on the holy evangelists, to establish the ancient laws of the realm, which went under the name of Edward his benefactor. This condescension satisfying the malecontents, they returned to the army to dismiss their troops, believing they had no further occasion for them. But the king had not the least thought of keeping an oath, which he looked upon as extorted. Presently after, he ordered a great number of those that had taken up arms against him, to be apprehended, some of whom were put to death, and others banished or imprisoned. Upon this Edgar fled into Scotland, and the rest took refuge in Ireland, Denmark, and Norway. The abbot of St. Albans retired to the isle of Ely, where he died with grief. As soon as the king heard of his death, he seized the goods of the monastery, and took from thence all the valuable effects. He was resolved to destroy it utterly,

The revolt
of the abbot
of St. Al-
bans.
M. Paris,
p. 1000.

Edgar pro-
claimed.

The king
appeals the
malecon-
tents with
promises.

To this time may most probably be referred what Buchanan relates, that William sent a herald to demand Edgar, denouncing war against Scotland, unless he were surrendered up. Malcolm looked upon it as a cruel and faithless

thing, to deliver up his guest and kinsman to his capital enemy, to be put to death, and therefore resolved to suffer any thing, rather than so to do: and thereupon he harboured and detained Edgar. Buchanan.

1071. if Lanfranc had not prevailed upon him to desist from his design^r.

Another
revolt.
S. Dunelm.
M. West.

The revol-
ters retire
to Ely,

Sax. Ann.
Huntingd.
Prompt.

Ingulph.

The king's behaviour to the malecontents variously wrought on the minds of the English. Some, terrified by his severity, resolved to endure all things for fear of increasing their afflictions by fruitless attempts. Others, not so passive, determined to try all ways to free themselves from a yoke they could no longer bear. These retired to the isle of Ely, where was a rich monastery, the abbot of which was their friend. But this was not the only reason of their choosing that retreat. This place, called an isle from its being surrounded with a morass, was very strong, and seemed proper to shelter them from the king's resentment, when filled with a sufficient number of men to defend it. Edwin and Morcar chose to join them^s, being sensible they should be the first victims of the king's suspicions, and not daring any longer to trust to his promises. Some time after, Edwin resolving to go into Scotland, where he thought he might be more serviceable to his party, was murdered on the road by his own treacherous followers. Morcar his brother found in the isle of Ely, many persons of quality, with Egelwin^t and Walter, bishops of Durham and Hereford, all resolutely bent to oppose to their utmost the despotick power assumed by the king. Their number being considerably increased by multitudes of male contents flocking to them^u, they chose for their leader Hereward^v, nephew to the abbot^x of Peterborough, who was looked upon as the bravest and best soldier in the kingdom. He was banished in the reign of king Edward, for some outrages committed in his neighbourhood, and retired into Flanders, where his valour gained him great reputation, and raised him to eminent posts. The death of

^r The account of this revolt is only related by Matthew Paris in the life of Fretheric, and for that reason is by some called in question. But as he could not well invent this story, it is most probable he found it in the annals of his monastery of St. Albans. Tyrral observes, Edgar Atheling could not be concerned in it, seeing he had fled into Scotland near two years before, and did not return into England till three years after, though this author makes him to come back the year before.

^s Understanding that William intended to put them in prison, they privately withdrew from court. Ingulph.

^t Who was come thither from Scot-

land. S. Dunelm.

^u The Sax. Ann. say, that they were joined by Sweyn, king of Denmark, Christian, a Danish bishop, earl Osbern, and several other Danes; but Sweyn having concluded a peace with William, the Danes went off with a large booty they had taken out of Peterborough monastery, which they plundered and burnt. Ingulph.

^v He was younger son to Leofric earl of Mercia, and brother to Algar earl of Mercia after Leofric.

^x Rapin says, bishop, but there was no such bishoprick then. He was nephew to Brand, abbot of Peterborough. Ingulph.

his

his father obliging him to return into England, he found his estate given to a Norman. He demanded restitution, but not obtaining it by a legal process, drove out the foreigner by force, and took possession. It was at this juncture that coming to Ely to avoid the king's resentment, he was chosen general by the malecontents. As he had a great reputation, and as the courageous and resolute were as much dreaded by the king, as those that dared not to oppose him were despised, he made the king very uneasy. The honour he had received animating him with fresh ardour, and with a desire to shew he was not unworthy of it, he prepared for a vigorous defence, foreseeing he should not be long in that place without being attacked. Whilst he was laying in warlike stores, he caused all the accessible parts of the isle to be carefully fortified, and took all other precautions, that might render a siege the more difficult. King William knowing whom he had to deal with, marched with all possible speed to attack him, in expectation to surprize him unprepared. But Hereward had already taken care to oppose his entrance into the isle, by ordering a castle of wood to be run up in the morass, which could not be assaulted, and which defended the only passage to the besieged. In spite of these seemingly insurmountable difficulties, the king was bent upon a siege, or rather a blockade. He was in hopes to reduce them by famine, and have them all at mercy, the same thing that prevented his approaches, being also an invincible obstacle to their flight. With this view he built a bridge over the morass two miles in length, by means of which he deprived the besieged of all hopes of relief. However, though he had now spent a great deal of time in the siege, he was never the nearer, since the rebels had provided great store of provisions. This delay made him very uneasy, as well upon account of the affair in hand, as because it prevented him from marching against the king of Scotland, who had taken this opportunity to make an inroad into the northern counties. At length, when he began to despair of the success of his enterprize, a happy thought made him master of the place.

1071.

Where they
are blocked
up by the
king.
M. Paris.

The king of
Scotland in-
vades the
north.
S. Dunelm.
Brompt.

The monastery of Ely holding without the limits of the isle many manors, from whence the greatest part of their revenues arose, the king was advised to seize them, in order to reduce the monks to obedience out of fear of losing them. He had no sooner put this advice in practice, and distributed

The abbot
of Ely de-
livers up the
isle.
Hast. Eli-
ensis.

1 Also at this time he built Wisbich castle. Tyrrel, p. 34.

1071.

Punishment
of the rebels.
Hoved.
M. Paris.

and of the
monks of
Ely.
Flor. Wor.

The king of
Scotland
continues his
ravages.
S. Dunelm.
Hoveden.

Gospatrick
invades
Cumber-
land.

the lands to his courtiers, but Thurstan, the abbot, not being able to withstand the clamours of the monks, sought means to recover their lands. He could think of no properer method than procuring the king's favour by some considerable service. To this end, he privately sent and offered to put the king in possession of the isle of Ely, with all that were in it, and pay him a thousand marks^a, on condition the lands were restored to the monastery. This offer was gladly accepted, and the abbot performed his promise, but historians have neglected to inform us of the means he used to accomplish it. However that be, the malecontents were constrained by the abbot's treachery to submit to the king's mercy. Hereward alone escaped, having opened a way with his sword through the guards that defended a certain pass. Of those that were taken in the isle, some had their eyes put out, or their hands cut off, others were shut up in prisons. Among these were earl Morcar, with Egelwin bishop of Durham, who having been so hardy as to excommunicate the king^b, was sent to Abington, and there starved to death^c. The monks of Ely were likewise chastised, though they had taken care to perform their capitulation. When they came to pay the stipulated sum, for the want of a groat only, they were forced to pay another thousand marks^c. Moreover the king quartered upon them forty knights, for whom they were obliged to find all necessaries.

Whilst the king was employed in the siege of Ely, Malcolm continued his ravages in the north, with a barbarity unworthy a christian prince, if it was such as is described by the English historians. They tell us, the Scots ripped up the bellies of women with child, cut the throats of old men, and tossed young children into the air to receive them on the points of their swords. But very likely, this account is exceedingly aggravated, as well as the number of English slaves, carried into Scotland, where it is pretended every house was furnished with one. Gospatrick, who was then governor of Northumberland, not being strong enough to resist the king of Scotland, made an incursion into Cumberland, where he revenged on the Scots the calamities inflicted by their countrymen, on the English. This expedition served only to

^a But seven hundred. See Tyrrel, ex hist. Eliens, p. 35.

^b When he went away first to Scotland. M. Paris.

^c He starved himself to death. Brompt.

^c They were only forced to pay three hundred more, to make it up one thousand; to raise which, they were forced to sell their plate, to strip their images of the gold and silver they were covered with, &c. Tyrrel.

inflame

about the king of Scotland's resentment, who took occasion from thence to increase his ravages in Northumberland.

1072.

The king could not bear these insults, but the affair of Ely being of greater importance, he was willing to see the end of it. As soon as it was over, he marched into Galloway,

The king marches into Scotland.

where however he only fatigued his army to little purpose.

Mean time Malcolm, who was retired into Scotland, endeavored to prolong the war, in hopes some new troubles, of which he might take advantage, would arise in England.

Sax. Ann.
Ingulph.
Hoved.
Pol. Virg.

The same reason obliged the king to end it as soon as possible. The readiest way to succeed, as he thought, was to follow the Scots into the heart of their country, that the dead of a battle, which to them might prove fatal, might compel them to a peace. This resolution procured him the expected advantage. Malcolm (unwilling to hazard a battle in his own kingdom) offering to treat, he was of opinion, he should end a war, which the circumstances of his affairs made him look upon as extremely dangerous. Besides, he seemed, ever since the battle of Hastings, resolved never to run any hazard. This was what had formerly prevented him from fighting the Danes, and probably the same reason caused him to behave in like manner with the Scots.

A treaty between the two kings.

By this as it will, the bounds of the two kingdoms were settled, by the treaty, and Malcolm did him homage. Some English writers pretend this homage was for all Scotland, but the Scots affirm it was only for Cumberland. And indeed that is most likely, since there is no appearance that Malcolm, who had not received the least check, should humble himself to do homage for his whole kingdom. I am very sensible, king William is said to have a right to demand it, but this is not a place to examine this point, the discussion whereof will be more proper elsewhere.

Ingulph.
M. Paris.
M. West.
Malmsh.
Buchanan.

The good reception Malcolm gave all the English fugitives, drew great numbers into his dominions, where some procured settlements which obliged them to continue there. From these are derived several considerable families at this day in Scotland. Some will have it that the English brought thither

Several families settle in Scotland.

thither

Verstegan.

* Hecstet Boetius says, that in memory of this peace, there was a stone cross erected in the middle of the mountains of Stanmore in Yorkshire, which we call ree-cross, and the Scots, rey-cross, that is, royal-cross, having the arms of both kings engraved on the several sides of it, which was for the same to serve as a boundary to the two

kingdoms, the remainders of which cross is still to be seen. Camden.

† Ingulphus says only Malcolm did homage, without telling us for what. Sax. Ann. Malmsh. S. Dunelm. Huntingd. Brompt.

‡ Of those who came into Scotland at this time, are derived the families of Lindsay, Tower, Rumfay, Preston, Sandiland,

1072.

thither their language, with the titles of duke, earl, and baron, but Buchanan affirms, they were in use there before that time. He freely owns indeed, that the English introduced into Scotland, luxury, pride, wantonness, drunkenness and other vices, to which he pretends his countrymen were strangers before. Among the chief of these refugees was earl Gospatrick, who had been deprived of his government, under colour of his being concerned in the death of Cumin, though he had since that done the king very signal services. He was succeeded by earl Walthoff^s, the only English lord, for whom the king yet shewed any regard. But he did not keep long in his favour, for which he was principally indebted to his wife, who was the king's niece.

S. Dunelm.

Walthoff
made earl of
Northum-
berland.

1073.

The king of
France at-
tacks Nor-
mandy.

Sax. Ann.
Malmsh.
M. Paris.

The French had afforded king William sufficient time to settle himself in the throne of England, without giving him the least molestation. He hoped therefore, as they had not taken advantage of the late troubles in England, they would be still less inclined to disturb him, after the entire reduction of his English subjects. But on a sudden Philip's jealousy reviving, he could not bear to see the king of England in so prosperous a condition. He blamed himself for being so impolitick as not to assist the English male contents, and resolved to retrieve his error by attacking Normandy. He expected, no doubt, the English would take advantage of this diversion to revolt, and keep the king employed in England. Whatever his thoughts were, he suddenly invaded Normandy, without any declaration of war. Upon which, the king went over with an army wholly consisting of English^h, not daring to carry his Norman troops out of the kingdom. Besides he chose rather to expose the English than Normans, who were absolutely necessary for the preservation of his conquest. With these forces, he retook Mans, and all the province of Maine, which had

Sandiland, Bisset, Wardlaw, Maxwell, Fowles, and Lovell, &c. About the same time came several people out of Hungary, at the request of queen Margaret, of whom were the surnames of Crichton's (or Crichtons) Fotheringham, Borthwick, Giffard, Melvil, [these two last are rather Normans.] As also out of France and Normandy, came the surnames of Fraser, Sinclair, (or St. Clair) Boswell, Montgomery, Cambell, Boile, Breton, Talsiour, and Bothwell. Scot's hist. of Scotland, p. 241.

^s That government was due to him

both by his father and mother's side, for he was the son of earl Siward, by Elfreda the daughter of earl Aldred. S. Dunelm.

^h This doth not appear from the ancient historians, but rather the contrary. They tell us, that this year, king William carried a great army of English and French beyond sea. Sax. Ann. Hunting. p. 369. Brompt. p. 972. Some of them indeed say, that William reduced Mans, with auxiliary forces, that he carried over from England. Malmsh. But this is not saying, that his army wholly consisted of English.

late-ly

lady revolted; the English glorying in faithfully serving him in Normandy, whilst in England he treated them with great rigor. Philip not succeeding according to his expectation, soon grew weary of the war, and put an end to it by a peace with the king of England.

1073.

Shortly after this treaty, prince Edgar, tired with living as a fugitive in a foreign country, came to the king, and, begging his pardon, submitted to his will. He met with a favourable reception, and was allowed a pound of silver a day. From that time, he ever remained in obedience, without giving the king the least cause of uneasiness. If he had reason to complain, it was not so much of the king, as of the English, who, after the death of Edward, had preferred a private person before him. It was not Edgar, that king William had deprived of the crown, but Harold, who probably, had he been able to keep it, would have left it to his son, regardless of the rights of the Saxon prince. On the other hand, it must be confessed, Edgar had reason to be satisfied with the king's clemency, who was very willing to receive him into favour, notwithstanding the mistrust he might justly entertain of him.

Edgar Atheling submits to the king.
Sax. Ann.
Malmsh.
M. Pacia.

Whilst the king was in Normandy, Gregory VII, the boldest and most enterprising pope that ever sat in the papal chair, sent his nuncio to summon him to do him homage, pretending, England was a fief of the holy see. He demanded likewise the arrears of Peter-pence, which had not been paid for several years. Some pretend the pope's demand as to the first article, was not groundless, but was the condition, on which the king had obtained the pope's approbation for the conquest of England. Others derive the pope's sovereignty over England, from the voluntary grant of Rome'scot, or Peter-pence, made to the church of Rome; by Ina and Offa, kings of Wessex and Mercia. They pretend, it was a real tribute, by which they became feudatories to the holy see. In fine, there are some who giving up this pretension, content themselves with dating this sovereignty from the time of Ethelwulph's journey to Rome. But though perhaps at the time king William was meditating his enterprise, he did not dispute the pope's claims, yet when he found himself well fixed in the throne, he was otherwise disposed. He plainly told the nuncio, he held his crown only of God and his sword, and would not make it dependent on any person living. Nay, he went further: for, upon the nuncio's daring to threaten him, he published an edict, forbidding

The pope demands homage of the king.
Hoved.
Eadm.
Brady.
Gregor. VII.
Ep. Lib. VII.
Ep. 27.

The king resolutely refuses it.
Eadm. p. 6.
and Not.
Selden.
p. 164.

1073.

forbidding all his subjects to acknowledge any pope but whom he allowed of, and to receive any orders from Rome without his leave. This was to make Gregory sensible, who had then a competitor, how great a risk he run of being soured in his turn, if he persisted in his claims. As for the arrears of Peter-pence, he promised to pay what was due, and to be more punctual for the future. This firmness convincing the pope, the king was not swayed by superstitious scruples, much less to be awed with threats, and desisted from his pretensions.

1074.

Conspiracy
of the Nor-
mans against
the king.
Malmsh.
Hoved.
Sax. Ann.
M. Paris.
Fl. Wigor.
Huntingd.

The king's long stay in Normandy, occasioned in England a fresh conspiracy, so much the more dangerous as the most considerable of the Norman lords were the contrivers. Ralph de Guader, a Breton, earl of Suffolk, and Roger de Bretevil, earl of Hereford¹, resolving to unite their two families, by the marriage of Ralph, with the daughter of Roger², the king, for reasons unknown, put a stop to their proceedings. The earls, who durst not complete the marriage whilst the king was in England, took the opportunity of his absence to accomplish their design. They made a splendid entertainment upon this occasion, to which were invited several persons of quality, and, among the rest, earl Walthoff. As they knew the king's temper, they formed at the same time the project of a conspiracy to depose him, perceiving no other way to avoid the effects of his anger. The present occasion seeming favourable to draw their guests into their plot, as soon as they saw them heated with wine, they began to talk of the king, and dwelt upon such subjects as were most likely to exasperate them against him. They pretended to pity the English, who from being always a free people, were now reduced to a shameful servitude. As for the Normans, they stirred them up with the consideration of the king's severe government, who by the excessive impositions laid on estates, took from them with one hand, what he had given them with the other. In fine, perceiving they were heard with pleasure, they openly declared, it was unworthy of persons of honour to be governed by a ballard, who had usurped the two crowns he possessed. Their discourse had so sudden an

¹ Bretevil, a signory in Normandy. He was son to William Fitzosbern, earl of Hereford, in England, and from him it was, that the same laws and customs, observed in Bretevil, were also observed and practised in Hereford,

after the conquest. Doomsday.

² She was daughter to William Fitzosbern, and Roger's sister, not his daughter. The marriage was celebrated at Ixingham, near Newmarket. Malmsh.

Walthoff
engages in
the plot.

and upon men who in their cups thought nothing difficult, with one consent, they resolved to take arms and oppose the king's return. Earl Walthoff, warmed with wine like the rest, came into the plot without reflecting on the consequences. But on the morrow, the fumes of the liquor being dispersed, he considered more maturely, that he had embarked in an enterprise, which, instead of freeing the English from oppression, could not but increase their misery. He knew the difficulties which would naturally occur in the execution. But supposing it chanced to succeed, he plainly perceived England would not be the better for it, since she would become a prey to several petty tyrants, who would complete her ruin. Moreover, he considered, in case the conspirators were crushed, which was very probable, the vengeance would all fall on his head, as being an Englishman, whereas the foreigners might find some favour with the king. He could not likewise forbear remembering he was much indebted to the king, who not only pardoned him once before, but also distinguished him by many favours, from all his countrymen. These reflections working in his mind a hearty repentance for what he had done, he went to Lanfranc, and imparted to him all that had passed. He alleged, his drinking too much, permitted him not to reflect on what was proposed to him, and entreated him to intercede for his pardon. The archbishop commended his repentance, and advised him to repair forthwith to the king, and inform him of all the circumstances. He put him in hopes of easily obtaining a pardon for a crime done with so little premeditation, at such a time, and for which he was so soon sorry, and even wrote to the king in his behalf. Walthoff taking this advice, immediately went and threw himself at the king's feet, who received him very kindly, and pardoned his imprudence, after he was informed of all the particulars of the conspiracy. Repents of it.
and is pardoned.

The king was very much alarmed at this news, and resolved to return into England, without delay, to appease the troubles occasioned by his absence. But his presence was not necessary. The conspiracy was stifled almost in its birth, by the vigilance of the bishop of Bayeux the regent¹. The two earls had concerted their measures so ill, that they could

¹ And by the help of Wulfstan, bishop of Worcester, Agelwin, abbot of Licham, Urlo, sheriff of Worestershire, and Walter de Lary; who drew together some forces, and prevented the earl of Hereford from passing the Se-

vern, and joining earl Ralph; while Odo, and Godfrey, bishop of Constance, marched with an army of English and French against earl Ralph. S. Dunelm.

1074. not even join the forces, each had assembled, so that Ralph de Guader found himself constrained to retire to Norwich castle, where he was immediately besieged. As he despaired of pardon, in case he fell into the king's hands, he did not think fit to wait the issue of the siege, but finding means to escape, fled into Denmark^m. After his departure, his countess defended the castle some time, but at length surrendered upon terms. She had liberty to follow the earl her spouse, who had now procured a powerful aid from the king of Denmark to support the revolvers. And indeed, soon after, a Danish fleet appeared on the coast of England, but not finding the English inclined to rise, sailed back immediately.ⁿ

Sax. Ann.
Huntingd.

Some of the conspirators punished.

Mean time king William being returned to England, was informed there were still some remains of the conspiracy in the western counties^o. To prevent the fire from rekindling, he marched with all speed to those parts, and severely punished all whom he suspected to be concerned in the plot. Some he ordered to be hanged, others, to have their feet and hands cut off, or their eyes put out. Those that were most favourably treated, were banished the kingdom. Notwithstanding the pardon granted to earl Walthoff, he was apprehended, carried to Winchester, publicly beheaded, and buried under the scaffold. His riches are said to be the principal occasion of his death, the king having an eye to his great estate^p. Others add, that Judith his wife, did not a little contribute to his ruin, exasperating the king by false reports, that she might be at liberty to marry elsewhere. Be this as it will, the unhappy fate of this brave earl was universally lamented. Every one thought, he was too severely punished for so slight a crime, even supposing he had not obtained his pardon. A little after, his body was removed to Croyland abbey, where it was said to work divers miracles, and the earl passed with the people for a true martyr. The

1075.

Hoved.
Ingulph.
Pol. Virg.
Walthoff
beheaded.
Ingulph.
Malmsh.
Brompt.

Passes for a martyr.

^m He went first to Bretagne, and thence to Denmark, where he prevailed upon the king of Denmark to lend him succours; which accordingly came some time after, in two hundred ships, under the command of Canute, king Sweyn's son, and earl Hacune; but not finding the English disposed to take arms, they sailed to Flanders, after having staid two days in the Thames mouth. The Sax. Ann. and M. Paris say, that they had sent before this to the

king of Denmark for assistance.

ⁿ In the year 1074, a week before Christmas, died Edgitha, reliet of Edward the confessor, and was buried by the king her husband, in Westminster abbey, where a fine monument was afterwards erected to her memory. Sax. Ann.

^o Amongst the Welsh who had joined in it. Sax. Ann.

^p He was beheaded May 31, 1075. Ingulph.

that of Croyland, encouraging this belief, was turned out of his monastery, by the king's order, and Ingulphus, a monk of Fontevraud, was put in his room. This is the same Ingulphus, who, notwithstanding his obligations to king William, has not failed to attest, in his history of Croyland, the miracles wrought at Walthoff's tomb.

1075.

Though the English were not concerned in the late conspiracy, but rather refused to join the malecontents, yet were they no less punished. The king took it for granted, they had privately fomented the rebellion, and consequently, deprived some of their estates, and others of their liberty. From this time, William of Malmesbury dates the servitude of the English. As much Norman as he was, he plainly intimates, that from thenceforward, the king had no regard to them. Hence it may be conjectured, the king's severity to the English was very great and universal, since this historian reckons as a trifle, what the king had already done with respect to the spiritual and temporal lords.

The English
are hardly
dealt with.

Malmsh.

P. 104.

The precautions taken by the king, to remove from the English all thoughts of a revolt, rendering him easy, he went beyond sea, to be revenged of Ralph de Guader, who was married to his city of Dol in Bretagne ¹. He was not satisfied with seizing all his estates in England, but resolved to deprive him also of his hereditary possessions. For that purpose, he laid siege to Dol, which however he could not take, the resistance of the besieged, giving the king of France time to come to their relief. King William missing his aim, returned to England, where during the rest of that and the following year, nothing remarkable happened, except a council held at London, where was settled the precedence of the bishops.

William
goes to Nor-
mandy.
Hoved.
Huntingd.
Sax. Ann.

Besieges Dol,
and raises
the siege.

1076.


Brompt.

The king enjoyed then a tranquillity which seemed to promise a long continuance, when it was disturbed by an unex-

1077.

¹ P. Daniel gives a different account of this matter: he says, that Fulk, earl of Anjou, and Hael, duke of Bretagne, having assisted the inhabitants of Mans, William was preparing to invade their dominions: but a pope's legate, that happened to be then in France, persuaded them to a peace, which William readily came into, upon the news of the conspiracy in England. As soon as that was quelled, he came back to Normandy, and sent Hael orders to come and do him homage, as his predecessors had done to the

first dukes of Normandy. The duke of Bretagne refuses; upon which William goes about to compel him to it, and besieges Dol. He comes with numerous forces to the relief of the besieged, whose brave resistance had very much lessened king William's army, and forces him to raise the siege. As he was retiring, the confederate troops fell upon him, and killed abundance of his men, and withal became masters of his baggage, the loss of which was computed at 15,000*l*. Ord. Vitalis. Malmsh.

1078.  ever suspected ¹. Some pretend, this citadel was founded by Julius Cæsar, but it would be difficult to prove Cæsar was ever at London, and more so, that he undertook this work, of which he makes no mention in his commentaries.

The king's
conduct dur-
ing the
peace.

Malm.^b.

M. West.
Sax. Ann.

Leyes Gu-
nel.

The peace with Scotland, and the submission of the Welsh, introduced a State of tranquillity, which lasted some years. The king took this opportunity to settle the affairs of the kingdom. Since his accession to the crown, England had been in extreme confusion, by reason of the alterations as well in the government, as in the laws and methods of administering justice. But this confusion was still increased with regard to the debts of private persons. The creditors imagined, they who were put in possession of the lands were to pay the debts of those that were turned out, and accordingly to them were they sent by the debtors. But the possessors refused to meddle with matters that were liable to so many frauds, and maintained, the king granted them the lands free from all demands. Besides, the jurisprudence of the Normans being different from that of the English, there was no knowing how to proceed, the king not having yet determined any thing on that subject. If he had made any regulations, it was in cases where his own advantage and interest were concerned. As for private persons, it does not appear that he had hitherto given himself much trouble about them. It is true indeed, they who extol him on all occasions, remark the strict justice that was exercised in his reign, with respect to crimes, as an argument of his affection for his subjects ². But this proof is not so strong as they imagine, for this strictness turned no less to the king's, than to the people's advantage, as the suffering crimes to go unpunished must tend to the prejudice of the supreme authority. Besides, offences for the most part being then punishable by pecuniary fines, all the profit accrued to the king, who had deprived the earls, barons, and bishops of the share they enjoyed under the Saxon kings ³.

How-

¹ Gundulph, bishop of Rochester, was the chief surveyor of the building. Tyrrel, p. 47.

² During his reign, people could go about any where safe and unmolested, even though they were loaded with gold; whereas before, every wood was a nest of robbers. Sax. Ann. M. West. Brompt.

³ See the foregoing dissertation. It does not appear that William abolished

the county, hundred, and other courts, (which did not grow into disuse till king John's reign. St. Amand.) or that he absolutely deprived the ealdormen or earls of the profits that accrued to them from fines, &c. But he seems rather by his laws to have confirmed them in the possession thereof. As for the bishops, it is certain, that, whereas they used, under the Saxon kings, to sit in the county, hundred, and sheriff's courts, with

However this be, it cannot be denied that the king's predominant passion was a desire to heap up riches. He was never weary with inventing new expedients to gratify his covetous temper^b. We have already seen how he impoverished the English. But in this he acted as much or more for the advantage of the Normans and other foreigners, than for his own. He therefore judged it reasonable, that the foreigners who were proprietors of the estates in England, should be liable to the same impositions as the English. But that he might proceed in due proportion, he wanted to know the value of every person's estate. To this end he ordered an exact survey to be taken of the lands, goods, and chattels of all his subjects. This survey contained the number of acres in each man's estate, what he was wont to pay in the Saxon reigns, and how much he had been taxed of late years since the revolution. Moreover, what stock each had of horses, cattle, sheep, &c. how much ready money in his house, what he owed, and what was owing to him. All this was set down in great order in a book called doom-day book, that is, the book of the day of judgment, apparently to denote that the means of the English were sifted in that book, as the actions of mankind will be at that great day. This general register, which some term the great terrar, or land-book of England, was laid up in the exchequer or king's treasury, to be consulted upon occasion; that is, as an historian expresses it, when it was required to know, of how much more wool the English flocks might be fleeced. The king's strict orders to take this survey with all possible exactness, were punctually executed^c, the commissioners as well as private persons, having cause to dread an exemplary pu-

1078.

Malmib.
Sax. Ann.S. Dunelm.
Hoved.
Ingulph.Doomf-day
book.

Pol. Virg.

with the earl or sheriff, and there jointly determine both ecclesiastical and secular causes. King William did, in the year 1085, ordain, that no bishop or archdeacon should, for the future, hold pleas in any of those courts, concerning episcopal laws or canons, but that every one who had transgressed the episcopal laws, should be judged in such place as the bishop should appoint; which gave rise to the ecclesiastical courts. The order whereby the bishops were deprived of this valuable privilege, and had their jurisdiction confined to spiritual matters, is in Selden's notes on Zadner, p. 167. and Brady.

^b W. Malmibury owns that he was justly blameable upon that account, and that he had no regard for what he said or did, though never so unbecoming his royal character, so as he could but be a gainer by it. Malmib. Sax. Ann.

^c Yet this is not so exact a survey, as some historians would represent it, if we may judge of the rest by what Ingulphus relates about his own monastery of Croyland. That the commissioners were so kind and civil, as not to give in the true value of it: and we may reasonably suppose that other monasteries found the like favour. See Tynal, p. 55.

1078. ni himent, in case they used any fraud, or were guilty of the least connivance on this occasion ^d.

The king's
revenue.
Brady.

We may easily guess, this survey was not taken purely to satisfy the king's curiosity. The taxes laid afterwards upon almost all the effects of private persons, were a clear evidence that his intent was to leave the English no more than what was absolutely necessary for their subsistence. This monarch, considering England as a conquered country, imagined himself the proprietor of all the lands in the kingdom, and that the vanquished were to receive what he was pleased to leave them, as a signal favour. According to this rule, it is easy to see, his revenues were to be proportionable to the estates of the English, and his own avariciousness. Not to enter into a particular account of the several branches of his revenues ^e, it will suffice to observe, that it amounted annually

^d This survey was begun in the year 1080, and finished in 1086. It was made by verdict or presentment of juries, or certain persons sworn in every hundred, wapentake, or county, before commissioners, consisting of the greatest earls or bishops, who enquired into, and described as well the possessions and customs of the king, as of his great men. They noted, what, and how much arable land, pasture, meadow, and wood every man had, and what was the extent and value of them in the time of Edward the confessor, (expressed by the letters T. R. E. i. e. tempore regis Edwardi) and at the time of making the survey. This survey was made by counties, hundreds, towns or manors, hides, half-hides, virgates, and acres of land, meadow, pasture, and wood. Also they noted what mills and fisheries, and in some counties what and how many freemen, socmen, villains, bordars, servants, young cattle, sheep, hogs, working horses, &c. in every town and manor, and who they belonged to. Always setting down the king's name first, then the bishops, abbots, and all the great men that held of the king in chief. Brady, p. 205, 206. This survey was chiefly intended to give the king a true account of his own lands or demesnes, as also what were held by his tenants in capite. It is therefore no wonder, if many of those towns or villages, which were then held by their

feudataries or under-tenants, are quite left out and omitted in it. Some cities and towns of note are not mentioned therein, as any one may find that will but take the pains to compare it with an exact catalogue of the ancient towns and villages in England, the greatest part of which he will not be able to find there. All England (except Westmoreland, Cumberland, and Northumberland,) was described, with part of Wales; and the description or survey written in two books, called the great and little doomsday book, now in the exchequer. The little book contains only Norfolk, Suffolk, and Essex. This being the highest record in the kingdom, it was then (and is to this day) a decisive evidence in any controversy in which there may be occasion to make use of it.

^e They are set down by Brady as follows. 1. A land-tax, called hidage, which he found here before his arrival in the time of Edward the confessor, or rather which he set up again. 2. Reliefs, or fines for giving the possession of hereditary fees, assignation of dower out of the husband's estate, composition for licence to marry, and to have the wardships of heirs, or entrance upon farms due to him from all tenants in capite. Also penal fines, forfeitures of goods, and pecuniary mulcts for crimes, &c. Tolls and customs for passage and portage, for liberty of buying and selling; excise, besides the ancient cus-

ally to four hundred thousand pounds sterling, which sum, according to a moderate computation, was equal to five millions now of the same money. Besides these settled revenues, he had a great many perquisites, as mulcts and fines, which were very frequent in those days. But what is further remarkable in this matter, is, that none of this money was employed in paying the army that was kept on foot. In the distribution of the lands taken from the English, the king had taken care to charge them with the maintenance of his troops. The new proprietors were very willing to accept of the estates upon that condition, since having no right; they were wholly indebted to his liberality for them. By this means he maintained, without any manner of charge to him, threescore thousand men, ready to march upon the first notice. It is not at all strange, he passed for the richest prince in his time, since his income vastly exceeded the expence of his household, in which he spent but a small part of the yearly profits of the whole kingdom.

1078.

Orderic.
Vital:
Sax. Ann.

After the king had thus settled his revenues, he sought means to gratify another passion, which was almost as strong as the former. I mean his fondness for hunting, which caused him to commit many unjust acts. By these acts I do not understand those severe laws he made on that account, though they were very rigorous^f. This does not properly distinguish him from many other princes, who look upon the breaches of the game-laws, as a most capital offence, and more readily pardon the killing of a man than a stag. What I speak of, was the prodigious desolation king William ordered to be made in Hampshire, by dispeopling the country for above thirty miles in compass, demolishing the churches and houses to make a forest for the habitation of wild

1079.

The king
extremely
fond of
hunting;
M. Paris,
Sax. Ann.

Makes the
New Forest.
Knights.

toms upon merchandize. 3. Crown lands, being fourteen hundred and twenty two manors or lordships in several counties, besides abundance of farms and lands in Middlesex, Shropshire, Rutlandshire, in the last of which he had also a hundred and fifty pounds of rent in white money. To which finally add escheats and forfeitures. — In short, his revenue was so great, that Ordericus Vitalis says, it was reported to be one thousand and sixty pounds of sterling-money, thirty shillings and a penny half-penny of the just rents and profits of England every day of the year, besides his gifts and

presents, and pecuniary punishments, which, if we reckon ten times as much now, according to the rate of things in his time, his yearly revenue amounted to 3,874,497 l. 16 s. 3 d. But allow it to be fifteen times so much now as then, as may very well be done, and not over-rate it, then his yearly income was 5,811,746 l. 14 s. 4 d. half-penny, besides five-girts, fines, and amerciaments for offences, Brady, Vol. II. p. 204—211.

^f Namely, that whoever killed a deer, should have his eyes put out. Sax. Ann. M. Paris.

1079. beasts ^s. If we may believe certain historians, he did not make the owners of the lands or houses the least amends. This tract of land, called before Ytene, was afterwards termed the New-Forest. Some affirm, besides the diversion of hunting, the king had another inducement to depopulate these parts. They pretend his aim was to give a free access to the troops, which, in case of necessity, he might send for from Normandy. But this motive, which seems to be very trifling, was doubtless invented by those, who, having entertained a great idea of this prince, were persuaded, he was guided in all his actions by prudence and policy, as if princes were not as subject to passions as other men. Others observing, that two of his sons ^h and one of his grandsons ⁱ lost their lives in this very forest by extraordinary accidents, conclude from thence, that heaven took vengeance for the injuries done to the proprietors of the lands.

The king's great affection for Normandy was another of his governing passions. Every thing practised there was, in his opinion, the pattern of perfection. Accordingly he endeavoured to abolish the Saxon laws, and establish the Norman in their room ^k. Perhaps he would have pushed this matter

M. Paris.
Malmsh.

Hayward.

Ord. Vital.

His affection
for Nor-
mandy.
Brady.
Tyriel.

^g There were thirty six parish churches demolished. In this forest are now nine walks, and to every one a keeper, two rangers, a bow-bearer, and a lord-warden. On the north-side of Malwood castle is the oak that buds on Christmas day, and withers again before night. Camden. add. to Hamp.

^h Richard his second son, and William Rufus.

ⁱ Richard son of duke Robert Malmsh.

^k This is more than is advanced by the antient historians: William had indeed the laws translated into French. but still these were the laws of the land, and the statutes of the English kings. For this, we have the authority of Ingulphus. *Ipsam etiam idioma tantum abhorrebant [Normanni] quod leges terræ, statutaque Anglicorum regum lingua Gallicâ tractarentur*, p. 71. Sir Edward Coke says, king William I. liked the English law so well, that he caused it to be written in the Norman tongue, and established great part of it in Normandy. But there is no authority for this, it not being mentioned by any coeval histo-

rian or other writer, either of England or Normandy. It will not be amiss to insert here the observation or conjecture of a learned gentleman as related by Madox, p. 123. hist. of the exchequer. It seemed to him, by the course of English history, and otherwise, that after the Norman conquest, there ensued a great alteration in the old English laws, manners, and usages. Nevertheless, that alteration with reference to the laws, was not completely brought about and settled till the reign of Henry II. The reign of William I. was mostly employed in quelling the discontents and insurrections of his English subjects, and in getting and securing to himself and his heirs, a full and fast possession of the regal and other revenues of England. The next king (William II.) reigned under a title controllable by the just pretensions of his elder brother Robert; yet being a stately, resolute, and subtle prince, partly by power, and partly by policy, he kept the English under the yoke, and continued to strengthen himself in the new acquisitions, and to form the laws and manners of this country after the Norman

matter further, had it not been represented to him, that the laws of England, bearing the name of his benefactor, all the world would look with horror upon his ingratitude. However he made several innovations in the English laws, and the methods of administering justice. For instance, he would not suffer the bishops to preside at the shire-gemots, or county-courts, but assigned them a court of their own. His pretence for so doing was, that the ecclesiastical matters might not be intermixed with the civil. But the true motive was, because he had a mind to deprive the bishops of their share of the fines and mulcts. He erected also several

1079.

Selden. Not
ad Eadma
p. 167.

Norman fashion. The next king (Henry I.) was a mild book-learned prince, and reigned likewise for several years under a disputed title: he continued, as far as his affairs would permit, to establish the Norman laws and customs, as William I. and William II. had done. In his time many of the Anglo-Saxon lords, who had great estates in Normandy as well as in England, might probably be, and were inclinable to favour the title and interests of Robert earl of Normandy, which might give umbrage to king Henry. King Henry, to win the affections of the English natives, who made the bulk of the people, and thereby to check or balance the Anglo-Norman lords, commanded a body of laws to be compiled, which were agreeable to the laws of the old English, or Anglo-Saxon kings, and called the laws of Henry I. However, these laws of Henry I. relate chiefly to criminal matters, and were never, for ought that appears, duly published, much less put in practice amongst the English. The reign of the next king (Stephen) was nothing in effect but a state of war. Henry II. the next successor, came to the crown by an undoubted title, and surpassed all his ancestors in power and extent of dominion; he was king of England, earl or duke of Normandy, lord of Ireland, Anjou, and the Aquitanick tract of land; inasmuch that he was at that time the greatest king in Christendom. This prince did put the last or finishing hand to the Norman establishment, or in special to the alteration thereby made in the English Laws; as will in some

measure appear from these considerations following; namely, the statutes or constitutions of Clarendon, made in, or about the eleventh year of Henry II. are, both for phrase and substance, more entirely Normannick than any laws or publick acts from the conquest to that time. And Thomas Becket, archbishop of Canterbury, who was the first native Englishman that had been archbishop of that see, since the conquest, opposed certain articles of those constitutions, as they were, in his opinion, prejudicial or derogatory to the supposed rights of the clergy, and to the old law and usages of the English nation. The Norman laws and customs were settled by constant use during the reign of Henry II.; and at the latter end of his reign Ranulf de Glanvil, a great man in the law, and a justicier, drew up a compendium of the laws of England, fitted for publick use; which he probably did by the king's command, that it might serve as a code or system for the direction of such as dealt in law-proceedings; and this system of Glanvil's, is in effect nothing else but a transcript of the Norman law; as will readily appear to any man who pleases to compare it with the grand customier of Normandy. In fine, this Normannick model of laws continued, and was indeed firmly settled in England during the reigns of Henry II. and his two sons, Richard and John, and of the succeeding kings, bating the alterations that were made therein, at the end of the reign of king John, in the reign of Henry III. and in subsequent ages.

1080. courts before unknown to the English¹, and which were very inconvenient to them. They were not only ignorant of the rules and practices of these courts; but, as they always attended the prince, the suitors were obliged to follow him wherever he went, to prosecute their suits. Amongst these several courts there was one however which became very advantageous to the people, since it was designed to moderate the rigour of the laws by equity, I mean, the court of exchequer, which is still in being^m.

He erects
courts.
Pol. Virg.

King

¹ These several courts were only the king's court, and the exchequer.

^m At, and some time after the conquest, it does not appear that there was more than one supreme ordinary court of judicature, namely, curia regis, or the king's court, which was always at the place of his residence. At his court, more especially at some solemnities of the year, the king held his great council, and transacted affairs of great importance, attended by his great lords and barons. Their coronations, &c. were celebrated: there was placed the throne, a sovereign ordinary court of judicature, wherein justice was administered to the subjects: and thereto the affairs of the royal revenue were managed. To the king's court belonged the following great officers. I. The chief justicier. He was next the king in power and authority, and in his absence governed the realm as viceroy. If the king was not present in person, in curia regis, he was chief judge both in criminal and civil causes. II. The constable, or constabularius regis, or Angliz. He was a high officer both in war and peace. This office was anciently hereditary. III. The marshal. This office was, and is still hereditary. As an officer in the king's court he was to provide for the security of the king's person in his palace, to distribute lodgings there, to preserve peace and order in the king's household, and assist in determining controversies there, &c. IV. Seneschal or steward. This office was likewise hereditary. He is called in Latin desifer. V. The chamberlain, or camerarius regis. It may be observed, the great offices are distinguished from the subordinate offices of the same name, by the epithet of magistratus, magistrum. As the office of king's

chamberlain is called magistra cameraria, in like manner, magistra mariscalcia, &c. VI. The chancellor, who was usually styled cancellarius regis, to distinguish him from the inferior chancellors of dioceses, &c. Little is said of his office. However, we find he was wont to supervise the charters to be sealed by the king's seal, and likewise to supervise and seal the acts and precepts that issued in proceedings depending in curia regis. He was one of the king's prime counsellors. VII. The treasurer. He was, for the most part, a prelate or ecclesiastical person. For some time after the conquest, the justicier used to do many acts, afterwards pertaining to the treasurer's office. The curia regis, where all the liege-men of the kingdom repaired for justice, was undoubtedly established in England, by the Normans; there being no notice of any such court in the Anglo-Saxon times. All pleas or causes then were determined below in a plain manner, in the courts within the several counties, towns, or districts. And indeed at first there were but few causes referred to the king's courts after the conquest, till the Norman lords, who were possessed of the large seigneuries, carried it with so high a hand towards their vassals and neighbours, that the latter could not have right done them in the ordinary way, and so were constrained to seek for justice in the king's court. And this was likewise done when contentions arose between the great lords themselves. However, few or no causes were brought thither without permission, and the party's making fine to the crown, to have his plea in curia regis. These were sometimes called oblata, or voluntary fines. When the pleas in the king's court became very numerous, there

King William was not satisfied with obliging the English to try their causes in these courts, but forced them also to make use of the Norman language, and did all he could to abolish the English tongue. With this view it was he erected in all the cities and boroughs schools^a where Norman was taught, and obliged parents under heavy penalties to send their children thither. I have elsewhere observed the nature of the Norman language, which was very difficult, and hard to be understood by the French themselves, by reason of the great mixture of Danish with the French. However, the king was so bent to introduce his native tongue, that he made it his chief business. They who had any concerns at court, and did not speak Norman, were looked upon with an evil eye, as persons that had no complaisance for the king. The most effectual means he made use of to oblige the English to learn Norman, was the publishing his laws in that tongue^b, the ignorance of which was no sufficient excuse for the violators. Some have accused him of

1080.

He endea-
vours to abo-
lish the Eng-
lish tongue.
Ingulph.
Malkot.

there were certain justiciars appointed to go iters through the realm, to determine pleas and causes within several counties. These were vested with great authority. It is not known when these were first instituted: but they were new-modelled, and their new circuits appointed by Henry II. A branch of the king's court was the exchequer. It was a sort of subaltern court, resembling in its model the curia regis. For in it presided and sat the great officers above-mentioned, and sometime the king himself. It was called scaccarium, because a chequered cloth, figured like a chess-board, was anciently wont to be laid on the table in the court; which custom continues to this day. This court is thought to be first instituted about the time of the conquest, though it is not known for certain. The great persons that assisted at this court were called barones scaccarii. To these was left the care and management of the crown revenue, &c. The chief justicier let to farm the king's manors, held pleas at the exchequer, and made due allowances to the accountants. The other great officers had likewise their part in affairs transacted at the exchequer. As to causes, the exchequer at first was also a court having jurisdiction in common-pleas. Matters remained in this posture till

the division of the king's court, and separation of the common-pleas from it, of which notice shall be taken hereafter. Madox's hist. of the excheq.

^a This is more than can be found in the ancient historians. He ordered indeed French to be taught in all schools, as Ingulph. testifies, ipsum idioma tantum abhorrebant, quod—pueris etiam in scholis principia literarum grammatica Gallicè ac non Anglicè traderebantur, p. 71. But this doth not prove that he erected these schools.

^b The single instance of his laws being in French in Ingulph. is of no considerable force; for the laws of king Edward, confirmed by king William, were written in Latin, and not in French; as were also the body of laws of this king granted by way of a charter. The like may be said concerning those of his successors: for all our antient laws and statutes, from the reign of king Henry I. to the statute of Westminster I, which was made in the third year of Edward I. are drawn up in Latin, and none of them in French; as are also all their charters, except some few of the three first Norman kings, which are either written in English Saxon alone, or in Latin with the English version under them. Tyrrel's introduction to vol. II. p. ci.

1080. acting in this particular from a worse motive. They pretend his aim was to ensnare the English by causing them to commit offences, which were generally punished by mulcts and confiscations to his use. But supposing this were not so, as it must be confessed it cannot be proved, his covetous temper, and all his other ways to heap up riches, are but too just grounds for such an accusation.

Remark on
the English
tongue.

To return to the Norman language. There are those who affirm, that in spite of all his endeavours the king could not introduce it into England. On the contrary, they maintain, the Normans by degrees learnt to speak English, their small number being carried away by the bulk of the nation. Others, who are of a contrary opinion, endeavour to demonstrate the Norman tongue was established upon the ruins of the English. But it is difficult for either to prove their assertions. Thus much is certain, the language spoken in England after the conquest, was not exactly the same with what was used in the time of the Saxon kings. However, the Normans cannot be said to learn English, or the English admit of Norman, but rather out of the two languages was formed a third, which was neither one nor other, but partook of both. Nevertheless, all publick acts were in Norman till Edward the third's time.

1081.
The king's
partiality
for the
Normans.
Ingulph.
p. 86.

The king's partiality to the Normans was so great, that he could not forbear showing it upon all occasions. Ingulphus, abbot of Croyland, gives us an instance which deserves notice. He says, he appeared one day before the council, where the king was present, to demand certain lands belonging to his monastery^q, then in possession of Talboys, a Norman, who had settled there some monks of his own nation. The king, continues the historian, examining the original charter or grant of the abbey-lands, judged at first that the demand was right and just. But Talboys alledging in his defence, that the Monks settled on these lands were Normans, and hearty friends to the king, whereas those of Croyland were English, this single argument was sufficient

^p Till the thirty third of that king. As for pleadings in French, they were in use only in the king's own court (now called the king's bench) or else in the exchequer; but in inferior courts in the county, where far the greater part of the law-business of the kingdom was dispatched, it was otherwise — The ancient law books we have, viz. Glanvil, Bracton, and Fleta, are in Latin; the first we can find in

French being Breton and Horn's Mirror of justices, both which were written in the time of Edward I. when it became very much the fashion to write, not only our laws in French, but our very parliament rolls of Edward III. and great part of Richard II's. reign in that language. The reason of which Mr. Tyrrel goes on to assign, p. ci, introduction.

^q The cell of Spalding. Ingulph.

to induce the king to give sentence in favour of the Normans, Herein, he was biaſſed by his natural inclination and intereſt. The former made him favour his own nation, and the latter inclined him to put it as much as poſſible out of the power of the Engliſh to revolt. 1081.

What has been hitherto ſaid of the oppreſſions of the Engliſh, ſuffices to ſhow, they did not complain without cauſe. Perhaps their impatient behaviour occaſioned theſe oppreſſions. But, be this as it will, it is certain they were extremely impoveriſhed, whiſt they beheld the Normans enriched by their ſpoils. A ſingle inſtance will demonſtrate how much they were pillaged by thoſe who were moſt in favour with the king. Odo, biſhop of Bayeux, his half-brother, after an abode of fifteen or ſixteen years in England, thought himſelf rich enough to purchaſe the papacy. To that end, he bought a ſtately palace at Rome, where he deſigned to reſide and convey all his treaſures, that he might be ready upon the pope's death to execute his deſign. Mean time, as he was willing to conceal his intentions, he took the opportunity to begin his journey during the king's brother's abſence in Normandy, and went to the iſle of Wight, where his ſhips lay ready for him. Contrary winds preventing him from embarking ſo ſoon as he expected, he was forced to remain ſome time in the iſle. His ſtay there broke all his meaſures. The king having intelligence of his deſign, came over with all ſpeed, and ſurprized him juſt as he was going to ſail. He ordered him to be ſeized immediately. But finding fear and reſpect hindered his officers from doing their duty, he laid hands on him himſelf. In vain did the prelate plead the privileges of his order. The king told him, he ſeized him not as biſhop, but as earl of Kent, and commanded him to priſon, this ſeizure was quickly followed with a confiſcation of all his effects to the king's uſe, the prelate being convicted of numberleſs extortions and rapines. Odo aſpires to the Papacy. 1082.

Ord. Vital.
Sax. Anna.
Malmſb.

The king ſeizes him and confiſcates his eſtate.

Nothing remarkable happening in the reſt of this, and the next year, I ſhall proceed to the occurrences of the year 1084, in which we meet with the death of queen Matilda, 1084.

Death of the queen.
Malmſb.
Hoved.
Ingulph.

r Odo had engaged Hugh earl of Cheſter, with a great many knights and other perſons of quality, to attend him in his journey to Rome. Ord. Vital. He was ſent priſoner to Normandy, and being ſet at liberty after the death of William I. went along with duke Robert to Jeruſalem, where

he died at the ſiege of Antioch. Malmſb.
* She died on the firſt of November, after a lingering illneſs; and was buried in the nunnery of the Holy Trinity near Caen, which ſhe had founded. Ord. Vital. See her epitaph in Sandford, p. 3. 4.

and

1084.

King of
Denmark
about to in-
vade Eng-
land.
S. Dunelm.
Malmsh.

Fl. Wig.
Moved.
Huntingd.

and the king's preparations against an invasion he was threat-
ned with. The English who had taken refuge in Denmark,
persuaded king Canute that their countrymen waited only
for an opportunity to throw off the Norman yoke. The
present juncture seeming very favourable, he formed a pro-
ject to conquer England, to which he had some pretensions,
which being supported with force, appeared very plausible.
To this end he fitted out a fleet[†], and levied troops, whose
numbers plainly showed he had some great design in hand.
Those preparations gave king William some uneasiness, the
advices from Denmark putting it out of doubt that this ar-
mament was designed against him. As he durst not confide
in the English, he brought into the kingdom a numerous
army of foreigners[‡], and laid upon his subjects a tax of six
shillings upon every hide of land, which was three times as
much as dane-gelt used to be. Whether Canute was di-
verted from his purpose by the preparations in England; or
by some other unexpected affairs[§], he gave it over without
making any attempt. The king, on his part, disbanded his
army[¶], but the money levied for their pay, was not restored.
On the contrary, he imposed a new tax, on account of the
order of knighthood, he intended to confer on Henry his
youngest son[‡]. The Norman custom of making the prince
presents, when he knighted any of his sons, tended too much
to the king's benefit for him to neglect to introduce it into
England, where it was never practised before[¶].

[†] Consisting of above sixteen hundred
ships. Malmsh.

[‡] Of French and Normans, which
he quartered all about England; and
ordered the bishops, abbots, earls, ba-
rons, viscounts, &c. to find them in
provisions. He ordered at the same time
the maritime places to be laid waste,
that the enemy, at their first landing,
might find no sustenance. S. Dunelm.
Malmsh.

[¶] He was detained by contrary
winds for near two years together.
Malmsh.

[§] He sent back part of the army,
and kept the rest with him all the
winter. S. Dunelm.

[¶] He was knighted in Whitson
week, at Westminster, where the king
held his court. Soon after king Wil-
liam ordered the archbishops, bishops,
abbots, earls, barons, viscounts, cum
suis militibus, to attend him at Sa-

lisbury, on the first of August, where
he made them all swear fealty to him,
And from thence went to the isle of
Wight, in order to pass into Normandy;
and whilst he lay there, he extorted a
great sum of money from his subjects,
not minding whether he did it right or
wrong; and so he went into Norman-
dy. Sax. Ann. S. Dunelm.

[¶] Among the ancient aids payable
to the king from the immediate te-
nants of the crown (and likewise to
inferior lords from their immediate te-
nants,) were these three, namely, to
make his eldest son a knight, to mar-
ry his eldest daughter, and to ransom
his person when taken in war. It does
not appear what author Rapin follows
in saying this aid was levied by the con-
queror, to make his youngest son a
knight, which was never practised.
Neither is it mentioned in Madox, or
other authentick authors.

It was not difficult for the king to lay what burdens he pleased on his subjects, since he was sure to be obeyed in whatever he enjoined. The Normans took care not to oppose his will, for fear of losing their estates the same way they acquired them, I mean by a bare act of his good pleasure, and the English were unable to throw off his oppressive yoke. There was scarce a lord of that nation, but what was imprisoned or banished. If any still preserved their liberty, they were watched so narrowly, that the least opposition, or the least suspicion given the king, was sufficient to ruin them. Edgar Atheling, who seemed the most formidable, subsisted entirely upon his pension from the king. Besides, since his voluntary submission to the conqueror, he had excited the affection of the English, who looked upon him with the utmost contempt. An historian even assures us, he was in some measure stupid. And for proof alledges, that for a horse presented him by the king, he remitted the pension given him for his livelihood. The ill state of his affairs, and perhaps the fear of falling a sacrifice to the king's suspicions, made him resolve to go into the east and bear arms against the infidels^a. The king readily giving him leave, he set out attended with two hundred knights, who having lost their estates in England, were willing to seek their fortune elsewhere. Having spent two years in the eastern parts, where, it is pretended he signalized himself by many brave actions, he returned to England, regardless of the estates and honours offered him by the emperor of Constantinople.

1084.

The state
of England.
Malmsh.

1085.

Edgar goes
into the
East.
Malmsh.
S. Dunelm.

Edgar's departure freeing the king from all uneasiness on his account, every one imagined that monarch would for the future turn his thoughts to peace, to which he was a stranger almost from his very birth. Besides, he was grown to corpulent and unwieldy, that a quiet life seemed absolutely necessary for him. But he was far from any such thought. All on a sudden he is seen to make extraordinary preparations, which plainly shewed he was meditating some great undertaking. Philip, king of France, easily guessed this armament was designed against him. And indeed quickly after, king William sets out for Normandy, in order to make fierce war with France^b. But Philip prevented

1086.

William
wars against
France.
Malmsh.

^a Along with Robert earl Goodwin's son. Malmsh. His sister Christina was, before this, veiled a nun in the monastery of Rumsey in Hampshire. See Ann. S. Dunelm.

^b He would have been, long before, revenged of the king of France, for assisting his son Robert, and exciting him to frequent revolts; if he had not been afraid of a civil war in Normandy, which

1086.

A truce.
Malmib.
M. Paris.

Broken by
a jeft.

1087.

William
burns
Mantes.
Sax. Ann.
S. Dunelm.

Falls ill.
Hurts him-
self againft
his faddle.
Ord. Vital.

Gives Alms.
Sets the pri-
foners at
liberty.
Malmib.

Ord. Vital.

prevented the impending ftorm, by offering propofals, which were followed by a truce. The king, whose corpulency was extremely troublefome to him, taking this opportunity to go through a courfe of phyfick, a jeft of king Philip occafioned the breaking of the truce. This prince asking one that was come from Roan, whether the king of England was delivered yet of his great belly? king William, being informed of it, fent him word ^c, as foon as he was up again, he would come and offer in the church of Notre-Dame at Paris, ten thoufand lances by way of wax-lights ^d. His words were foon followed by deeds; for marching in the very hotteft time of the fummer, he ravaged Le Vexin in a terrible manner, and then laid fieve to Mantes. He was fo provoked, that after taking the city, he reduced it to afhes, without fparing the very churches, in one of which two hermits were burnt ^e. The warmth of the feafon, and the great fire, which he flood very near to fee his orders executed, threw him into a fever, which interrupted his progrefs. This was attended with another accident, no lefs fatal to him. Whilst he was on the road in his return to Roan, leaping a ditch on horfe-back, he fo bruifed the rim of his belly againft the pummel of the faddle, that the violence of the blow very much increafed his fever. After this accident, not being able to mount his horfe, he was carried in a litter to Roan, where he grew worfe and worfe. As foon as he found he was near his end, he began ferioufly to reflect on all the paff actions of his life, and view them in a different light from what he had hitherto done. He ordered large fums to be given to the poor and the churches, particularly for rebuilding thofe he had burnt at Mantes. He fet at liberty all the prifoners, among whom were Morcar and Ulnoth ^f. This laft, brother to king Harold, had been imprifoned in Normandy from his childhood, when he was given in hofage by earl Goodwin to Edward the confeffor. It was much more difficult to obtain the like favour of the

which might have been attended with another in England; both which would have found him more work than he could well have difpatched. But at laft, in the year 1087, they came to blows. Robert was the occafion of it; for he revolted again, and retired to the king of France, who furnifhed him with troops, wherewith he ravaged Normandy. W. Gemeticeu. P. Daniel.

^c Swearing by the refurrection and fplendor of God, his ufual oath. Malmib. p. 112.

^d Alluding to the cuftom of lying-in women in thofe days, who were wont to offer lighted candles at their churching.

^e The Englifh hiftorians fay two nuns. Huntingd. Sax. Ann.

^f And Roger and Siward, furnamed Barn. S. Dunelm.

king

king for the bishop of Bayeux his brother, because he had sworn never to release him. However, he was prevailed upon by the importunities of the bishop's friends. His distemper, which daily increased, leaving him no hopes of recovery, he ordered his principal officers to stand round his bed, and notwithstanding his weakness, made them a long speech, wherein he greatly extolled the reputation he had gained by his warlike actions. Nevertheless, he could not forbear owning, he had unjustly usurped the crown of England, and was guilty of all the blood spilt upon that occasion. Adding, as he would not presume to bequeath a crown, which of right did not belong to him, he left it to God's disposal, but if he might have his wish, William, his second son, should wear it after him. In his will, which he made just before he died, he left Normandy to his eldest son Robert, not so much out of affection, as because he foresaw great obstacles in the execution of his will, should he have ordered it otherwise. Henry, his third son, had for his share an annuity of five thousand marks^b, with all his mother's effects; this was all his portion. It is said, the young prince complaining that he was so ill provided for, the king told him, by a prophetick spirit, he should one day be king of England, and excel his brothers in glory and riches. But it is hardly credible, God so intimately revealed himself to such a prince.

Ord. Vital.

Owns his usurping the crown of England.

Pol. Virg. Malmsh.

Ord. Vital. Brompt.

Though the dying king left his crown to God's disposal, he did all that lay in his power to procure it for his second son. He wrote upon that subject to Lanfranc a very pressing letter, which he ordered his son William, even before his death, to carry himself. No doubt, he thought that prince would meet with too strong an opposition in England, unless necessary measures were not taken before-hand, to gain the consent of the Normans and English. Having thus settled his temporal affairs, he caused himself to be removed to Hermentrude, a village near Roan, that he might be more at liberty to think of his spiritual concerns. Here this prince ended his days on the ninth of September, in the sixty-fourth year of his age, after a reign of fifty two years in Normandy, and twenty one in England^c. If some of his historians are to be credited, he expressed on his death-bed a

Ord. Vital.

Eadmer.

He dies.

Ord. Vital.

^a And which is extant in Orderic. Vitalis, as also among Camdeni Anglica, Normannica, &c.

^b Vitalis says, he left him only five

thousand marks in money.

^c Hereigned twenty years, ten months, and twenty six days, reckoning from the battle of Hastings. R. de Diceto.

1087.

M. Paris.
Brompton.
Malmfb.

Ord. Vital.
M. Paris.
Brompton.
Radmer.

Remarks on
the surname
of conquer-
or.

heartly sorrow for all the injuries he had done the English. His body was removed to Caen without any ceremony, and deposited in the abbey-church, built by himself, where he had chosen to lie. Robert, his eldest son, being then in Germany, and William in England, his youngest son Henry took care of his funeral. The corps was but meanly attended for so great a prince, his principal officers having abandoned him before he expired, some to make their court to Robert, others to William^k. An extraordinary adventure rendered the funeral of this monarch very remarkable. As they were going to lay him in his grave, [Anselm Fitzarthur] a Norman gentleman, stands up and forbids the burial in that place, claiming the ground as his inheritance, and alledging, the deceased had built the church upon it, without paying him for it. Whereupon, they were forced to stop, according to the laws of the country, in order to examine this pretension, which proving well grounded, Henry was obliged to make the gentleman satisfaction^l, and then the corps was interred^m.

Thus lived and died William I. surnamed the bastard and conqueror, if this last title may be justly ascribed to him, which all historians are not agreed in. They that maintain this title agrees with him, ground their opinion upon his having no right to the crown, and the severity of his government, which was all along arbitrary. Others affirm, his election entirely cancelled his right of conquest. This uncertainty gives occasion to compare him to the emperor Augustus, of whom it is said, that he came to the empire neither by conquest, nor usurpation, nor inheritance, nor election, but by a strange mixture of these rights. However this be, or in what manner soever king William may be accused or justified upon this head, he kept possession of the throne, by such politick methods as are practised by the most

^k And the inferior officers fell a plundering whatever stood in their way, so that the king's corpse was left almost naked. Ord. Vitalis.

^l He paid him sixty shillings for the place where the grave was, and promised to see him farther satisfied for the rest of the ground. Ord. Vitalis. Malmfb. p. 133. and M. Paris, p. 11. say, he paid him a hundred pounds of silver.

^m William Rufus caused a most stately monument to be erected for his fa-

ther, before the high-altar of St. Stephen's monastery, which was adorned with gold, silver, and precious stones. This stately monument stood till the year 1562, and then Chastillon taking the city of Caen, certain soldiers opening it, and not finding the treasure they expected, broke it to pieces, and threw about William's bones; some whereof were afterwards brought into England. But the monks in the year 1642, in the place thereof caused a plain altar tomb to be built.

the princes, but which are seldom consonant to the maxims of justice and equity. 1087.

This prince's character is variously drawn by the historians, according to the different lights in which they were pleased to view him. Some, considering him only as a conqueror of a great kingdom, extol him to the skies for his valour and prudence, and slightly pass over the rest of his actions. Others considering the same conquest as a real usurpation, and reflecting chiefly on the means he used to preserve it, scruple not to represent him as a real tyrant. It is certain, they may be all in the right, since there was in this monarch a great mixture of good and bad qualities. He was reckoned one of the wisest princes of his time. Ever vigilant and active, he shewed as great resolution in executing, as boldness in forming his designs. He saw danger at a distance, and generally endeavoured to prevent it. But when that could not be done, no man faced it with greater intrepidity. On the other hand, his extreme covetous temper, and partiality to his countrymen, led him to the commission of many things, which can hardly be justified.

Character of
William the
conqueror.
Malmsh.
Sax. Ana.

In his younger years, he was handsome and well proportioned. He had rather a stern and majestic, than a mild and taking countenance; however, he could sometimes put on such sweetness and gentleness in his looks, as were hardly to be resisted. We may guess his great strength and vigour from historians assuring us, none but himself could bend his bow. The same historians are very much divided concerning his chastity. Some say, he was very much addicted to women in his youth: others tell us, his little inclination that way, gave occasion to call his manhood in question. Some affirm, after he was married, he never gave his queen cause to be jealous. Others assure us, he kept for his mistress a clergyman's daughter, whom Matilda ordered to be hamstrung. Be this as it will, after he was on the throne of England, hunting was observed to be his sole diversion. His household was perfectly well regulated; but his expences were not answerable to his greatness and riches. Nevertheless, upon solemn occasions, he loved magnificence, and took a pleasure in appearing in all his grandeur. Seldom did he fail of being crowned every year ^a, at the three great feasts of Christmas, Easter, and Whitsuntide, which he generally spent at Gloucester, Winchester, and Westminster. During these festivals he kept a splendid court, was much

Malmsh.

Sax. Ana.
Malmsh.

^a He wore his crown; that is, kept his court, or great councils then.

1087.

more easy of access, and liberal of his favours. The great men of the kingdom were usually about him whilst these solemnities lasted; but one can hardly believe it was in order to hold a wittena-gemot or parliament, as some do pretend. And indeed, there is no likelihood, that after depriving the English of their estates, he should leave them in possession of the greatest of their privileges. It is still less probable he would transfer this right to foreigners, since he was at liberty to grant them the English estates on what terms he pleased. Now it is certain, his temper was such, that he would never voluntarily render himself dependent on his own subjects. However this be, if the Saxon wittena-gemot subsisted in his reign, it may at least be affirmed, its authority was very limited, and its nature very different from what it had been.

There are historians who greatly commend this prince's clemency, on account of his being very often satisfied with punishing the English rebels, by the confiscation of their estates. It cannot be denied, what they say is true, with regard to persons of the first rank. Indeed, except earl Walthoff, who was publicly beheaded, and Egelwin, bishop of Durham, who was starved in prison, we do not find any of the principal English lords put to death in this reign. But his clemency with respect to persons of a lower rank cannot be justly extolled. It is certain he punished great numbers with death, put out the eyes, or cut off the hands of many others, and condemned multitudes to perpetual imprisonment.

Sax. Ann.
Brompt.

o And yet this is what Brady, who was no great friend to those assemblies, thinks fit to own. The conqueror, says he, commonly kept the Easter at Winchester, &c. at which time were present in court, all the temporal nobility, bishops, abbots, &c. through all England; so that at those festivals he could call a great council, or synod, at a day's warning, and at those times were commonly held the great councils for all publick affairs. Brady, vol. II. p. 214. note (o). The same is also confirmed by the late learned Mr. Madox. At his court, and more especially at some solemn times in the year, the king held his great councils, and ordinarily transacted such affairs as were of great importance, or required pomp and solemnity, according to the custom of the times. The baronage attending on his royal person, made a considerable part of his court. They were his homagers; they held their ba-

ronies of him; he was their sovereign, or chief lord, and they were his men, as to life, limb, and earthly honour. With them the king consulted in weighty affairs, and did many solemn acts in their presence, and with their concurrence. The places at which king William is recorded to have held his court, are as follow: in the year 1069, at York. In 1072, at Winchester, at Easter; and the Whitsuntide following at Windsor. In 1074, at Westminster. In 1084, at Christmas, he held it (de more) at Gloucester. In 1085, at Winchester, at Easter; at Whitsuntide, at London. And at Christmas, (de more) at Gloucester, for five days, where he was attended by his great men; and the clergy afterwards held a synod for three days. In 1086, at Winchester, at Easter; and at Whitsuntide, at Westminster. Madox's hist. of excheq.

sonment

sonment for very slight crimes. All the historians unanimously upbraid him with the death of earl Walthoff, as an action the most heinous, since he beheaded him for what he had already pardoned. But this severity was in some measure balanced by his moderation to prince Edgar, who had furnished him with sufficient pretences to sacrifice him to his jealousy. Perhaps, the little merit of this prince was the sole motive of this moderation, since the king never considered him as a very formidable rival. However, I think he ought to be praised for his clemency in this respect, since the motive is unknown. How little formidable soever Edgar might be, with regard to his personal qualities, he cannot be denied to be so on account of his birth. He was the only surviving prince of the royal family of the Saxons, and as he served for a cloak to several insurrections, the king could not be entirely assured of him.

King William had by Matilda, daughter to the earl of Flanders, four sons and five daughters. Robert was duke of Normandy. Richard was killed by a stag in the New Forest, or as others say, by a distemper caught in hunting, of which he died in his father's life-time ^{p.} William mounted the throne of England, and was succeeded by Henry his brother. Cicely, his eldest daughter, was abbess of the Holy Trinity at Caen. Constance, was married to Alan Fergeant, duke of Bretagne. Adela was wife to Stephen, earl of Blois, and by him had a son of the same name, whom we shall see king of England. Adeliza, promised to Harold, died young ^{q.} Alphonso, king of Galicia, married the fifth, whose name was Agatha ^{r.} She is said to remain a virgin after marriage, and, being entirely devoted to the service of God, spent her days in the constant exercise of prayer ^{s.}

2. WILLIAM

^p W. Malmsh. says, he was a very promising youth. He was buried on the south side of the choir of the cathedral church of Winchester. His Epitaph is, Hic jacet Ricardus Will. senioris regis fill. & Beorn. dux. i. e. duke of Bernay, in Normandy.

^q Rapin, mislaid by Baker, or other modern authors, calls her Margaret, reckoning her the ninth, whereas she was the third daughter. See W. Gemeticen, and Sandford, p. 10.

^r Agatha, falsely called by Rapin, Eleanor, was the sixth daughter. She was affianced to Alphonso, but died in her journey to Spain. Her body being

brought back into her native country, was buried at Bayeux. Sandford. The fifth was Gundred, countess of Surrey, married to William Warren, made earl of Surrey, by king William Rufus. She died in childbed at Castleacre, in Norfolk, 1085.

^s I. The justiciarii regis, during the reign of William I. were; 1. Odo, bishop of Bayeux. 2. William Fitz-osbern. 3. Goisfrid, bishop of Coutance. Madox's hist. excheq. p. 743.

II. The most remarkable occurrences not mentioned by Mr. Rapin, are these; 1. king William brought the Jews from Roan, to inhabit in England.

2. WILLIAM II. *surnamed* RUFUS.

WILLIAM
II.
1087.

WHILST the conqueror in Normandy was thinking of death, William his son was concerting in England the necessary measures to secure the crown, pursuant to his father's intention. Dispatch was so much the more necessary on this occasion, as he had reason to fear, in case his brother Robert could come in time, he would gain the people to his side. His business therefore was to secure, beforehand, the Normans to his interest, who being possessed of all the

siefs

gland. Stow's chron. 2. In his reign, or much about that time, surnames came first to be used. 3. Trial by battail was introduced into this kingdom. 4. The Normans brought in a new way of creating knights; and also the use of seals and witnesses, in all deeds and instruments. Before that time, or at least before the reign of Edward the confessor, the persons concerned, only set down their names, with a cross before them. Ingulph.

Lastly, the Normans brought in the shocking vice of common swearing.—In the year 1076, there was an earthquake in England; and a frost from the beginning of November, till the middle of April. In 1077, Aug. 14, there was a very great fire in London. Sax. Ann. And again, in 1087, the greatest part of that city was burnt down (with St. Paul's cathedral); as were also most of the chief towns in England. Sax. Ann. Brompt. p. 982. S. Dunelm. p. 213.



W. 2.

III. As the translator intends to give a short account of the coin in every reign, he begins with observing, that, probably, the Britons never coined any money, but in Cæsar's time used only iron rings, and shapeless pieces of brass, and that even their tribute money afterwards was the ordinary current coin brought in or minted here by the Romans, as long as this island continued a province. For among the many thousand Roman coins, there was never one undoubted British coin yet produced; those of Cunobelin be liable to

unanswerable objections. After the Saxons were settled in England, their silver coins were generally all of a size, and ill minted, which they called pennies, worth about three-pence of our money. They had also half-pennies, and farthings, (as appears from the Saxon gospels) and half-farthings, called sticas. Of which kind bishop Nicolson takes those brass pieces to be that were found some years since at Rippon in Yorkshire, and communicated by sir Edward Blacket, the owner, to several curious antiquaries. After the

Normans

sets and places in the kingdom, were properly to dispose of the future election. However, the English were by no means to be neglected; lest, joining Robert's friends, they might turn the scale to his side. Mean while, young William was beloved by neither. The English thought him too like his father, and the Normans, who knew him still better, hated his rough temper. On the other hand, Robert had hitherto to plead in his favour, whereas William could support his pretensions only by his father's desire of having him for successor. But this bare indication of his will, without an express nomination, was very insufficient. Probably; it would never have produced the effect, the dying king promised himself, if, before the news of his death reached England, care had not been taken to dispose men to a compliance. It was with this view, he sent over his son with all speed, to endeavour, with Lanfranc, and some other lords, to accomplish this project. Eudo, high-treasurer, and Brompton, Lanfranc,

Saxon conquest, a pound of gold being divided into twenty-four carats, (or half ounces) and every carat into four grains, the old sterling, (as it was afterwards called) or right standard of gold, consisted of twenty-three carats, and three grains and a half of fine gold, and half a grain of alloy of copper or silver. Again; a pound of silver being divided into twelve ounces, and every ounce into twenty penny-weights, and every penny-weight into twenty-four grains, a pound weight of old sterling consisted then (as it does now) of eleven ounces two penny-weights of fine silver, and eighteen penny-weights of alloy. The first eight kings after the conquest continued to coin money much like their Saxon predecessors, only a little lighter; for of the Saxon pennies there are some at this day that weigh more than a penny-weight, whereas few of those of the Norman kings reach twenty-two grains, till Edward I. when the English coins were to weigh a penny-weight. The Normans also continued the like method with the Saxons as to inscriptions, having round the king's head, his name and style; which was very short, only REX or REX ANGL. and on the reverse, the name of the mint-master, and place of coinage. The coins of the two first Williams were very rare,

till a nest of them was accidentally found at York, 1703-4. On their coins, they both appear in a pearl diadem, with labels at each ear, and an arch cross the head, consequently they are impossible to be distinguished. Mr. Thorsby, indeed, ascribes those with a full face to the conqueror, and those with the half face and scepter to Rufus. The inscription on the conqueror's money is, WILLELM. WILLELM. V. (mistaken by Dr. Nicolson for WILLELM II.) or WILLELMVS. FILLEM. FILLEM V. FILLEMVS. (P being the Saxon W) REX. REX. A. ANGL. ANGLO: OF ANGLOR: Reverse, a cross fleury with four scepters quarterly, or a cross with four pellets in each quarter, the name of the mint-master, and place of mintage; as HEREFORD. LVNDEN. LOND. LVNDRE. LVNDR. for London; C. for Canterbury; EO or Eofer for York; LINCOLN. EXETER LEOYNG. for Lancaster; WINC. for Winchester; DEOTFORD. for Thetford. See the coin in the foregoing page, which hath on one side FILLEM REX ANGLOR. and on the reverse GODICON LVNDEN.

^a He was the king's steward. William de Ponte-Arche, gave him the keys of the treasury at Winchester; after which, going to Dover, Hastings, Pevensey, and other castles on that coast, he made the keepers promise not

1087. Lanfranc, archbishop of Canterbury, were very serviceable to young William on this occasion. Eudo had secured Dover, Winchester, Pevensey, Hastings, and other places on the south coast. Moreover, he delivered to him the late king's treasures, which amounted to sixty thousand pounds in money, besides plate and jewels of a much greater value. Lanfranc, who was esteemed and beloved as well by the English, as Normans, used all his credit in his favour. His pains were crowned with so good success, that in a little time he drew to his party the leading lords of both nations. To these, were added other means, which helped to incline people to William's side. It was rumoured among the English, that this prince had made a firm resolution to govern in a very different manner from his father, that he would hearken to their just complaints, and abolish the too rigorous laws enacted since the revolution, particularly the laws relating to the game. In short, it was promised in his name, that they should be restored to a part of their estates, and to their ancient privileges. On the other hand, the Normans were told, the best way to preserve their possessions, was to confirm the conqueror's choice, that the young prince, being placed on the throne, would be led by his own interest to support them, since his and their rights would stand on the same foundation, the will of the late king. Robert, being absent, had but few friends to speak for him. As it was uncertain how he would behave after his return, those that would have been inclined to favour him, did not dare to declare for him openly. They foresaw the ill consequences of such a proceeding, in case he should not think fit to support them. Besides, this party had no head. William had taken care to keep Ulnoth and Morcar in prison, notwithstanding his father's orders to the contrary, for fear they should head the English, whom he did not take for his friends. All these circumstances, well managed by Lanfranc, and other adherents to prince William, concurring to pave his way to the throne, he was crowned the 27th of September, eighteen days after his father's death ^b.

Sax. Ann.
Huntingd.
Ingulph.

Eadm.
Daniel.
M. West.

Brompt.

S. Dunelm.
Hoved.

William
crowned.
Eadmer.
Ord. Vital.

to deliver them without his knowledge, still concealing the king's death; which done, he returned to Winchester, and discovered that the king was dead. Hist. of Colchester-abbey, in monastic. Angl. P. II. p. 889.

^b After his coronation he went to Winchester, and distributed his father's treasure, according to his last will, viz.

to some of the chief cathedral churches and monasteries ten marks of gold a piece, to some six, and to others less, besides rich crosses, candlesticks, &c. and to smaller churches in the country, five shillings a piece; he also sent a hundred pounds to each county to be distributed amongst the poor. S. Dunelm. Malmsh.

This

This prince, surnamed Rufus, from being red haired ^{1087.} was thirty years of age when he ascended the throne. Probably, he was indebted for his good fortune to Robert's dis- obliging his father, who never forgave his revolt. And in- deed, the younger had nothing to give him the preference to the elder. The only good quality remarkable in him, was his great courage, which however was hardly to be distin- guished from a brutish fierceness. He was of a very ill dis- position, which being never corrected by education, fre- quently led him to actions unworthy of a prince. Bred up to arms from his youth, and at a court, where he continu- ally beheld instances of severity and absolute power, he be- came a perfect brute in his behaviour and manners. To these ill qualities he joined a great indifferency for religion, and his whole conduct shewed him to be regardless of ho- nour or honesty. He was as greedy of money as his father, but with this difference, the father heaped up money purely for the sake of hoarding, and very unwillingly parted with it, whereas the son loved it only to squander it away in vain expences, wherein he was guided more by caprice than rea- son. However, in the beginning of his reign, as it was his interest to hide his inclinations for fear of alarming his sub- jects, he put on a mask for some time. It was even observed with pleasure, that he affected to be guided by the counsels of Lanfranc, who was universally esteemed and beloved. It was chiefly the respect he at first paid this wise counsellor, that filled the English with hopes of a happy change in their fortune, and prevented them from giving ear to the soli- citations of those that would have engaged them in Robert's cause.

His charac-
ter.

S. Dunelm.
Hoved.

But whilst the confidence he placed in this prelate was ser- viceable to him, with regard to the English, it occasioned such troubles from another quarter, as shook him in his throne. Odo, his uncle, bishop of Bayeux, who was late- ly released out of prison, could not bear to see Lanfranc in so great favour ^{1088.} He had harboured a secret animosity against the archbishop, ever since his advising the king to seize him, as he was embarking for Rome. This private enmity, join- ed to a desire of ruling again as he had done formerly, threw him upon the project of dethroning the king, and setting the crown on the head of Robert, who was lately returned to Normandy. He did not want a pretence to countenance his

Conspiracy
against Wil-
liam.
Malmsh.
Hoved.
S. Dunelm.
Ord. Vital.
Mat. Paris

Or from his red complexion. Tyr-
rel.

and had been confirmed in the possession
of his earldom of Kent Malmsh.

⁴ He was come over to England,

1088.

enterprise. Robert's birthright furnished him with a very plausible one. As soon as he had taken this resolution, he drew into his plot some of the principal Norman lords. It was necessary to begin with them, since, without their aid, the English were able to do nothing. These Normans being gained with many others, by their means, it was not very difficult to persuade the English to join with them. As the greatest part were dispossessed of their estates, they expected some relief from the troubles that were going to be raised in the kingdom, by the dissention between the two brothers. In order to confirm both English and Normans in their resolution, Odo represented to them, there was no living happily under the government of a capricious and brutish prince, without religion or honesty: that they had reason to dread the worst, if they gave him time to establish himself in the throne, and therefore, should they delay to take proper measures to screen themselves from the impending evils, it would perhaps be too late, when they had a mind to undertake it. He added, justice itself required the crown to be given to the first-born, to which he had a lawful right, and of which he had not deserved to be deprived. These considerations were strengthened with assurances of the uprightness and generosity of Robert. He set forth his mild and gracious disposition, which put them in hopes of enjoying, under his government, the tranquillity they so earnestly longed for.

Whether birth-right had any weight with these lords, or William's ill temper made them wish for a new master, they readily came into the prelate's measures. Each promised to do his utmost to promote the design, provided Robert would exert himself likewise, and bring over supplies from Normandy. The Norman lords, who were in the conspiracy, bestirred themselves so effectually, that they quickly gained almost all the leading men of their nation. As soon as the bishop was secure of the assistance of his countrymen, whom he judged much more capable of serving Robert than the English, he sent him word, that nothing was wanting but his presence, with a body of Norman troops, to recover the crown unjustly usurped by his brother. As this news could not but be very agreeable to the duke, he came immediately

Robert borrowed money of his brother Henry, promptly,

to a resolution upon so advantageous a proposal. But as he had not money sufficient to defray the expences of so great an undertaking, he borrowed [three thousand pounds] of his brother Henry, for which he mortgaged to him the country

of

of Cotentin ^e. Then he sent his uncle word, he would not fail of coming to England, as soon as possible, desiring him to prepare every thing for the execution of their designs. 1088.

As soon as the Norman lords were certified of Robert's resolution, they began to stir. The bishop of Constance, with his nephew Mowbray, made themselves masters of Bath and Barklay castle, and stored Bristol with ammunition, intending that place for their chief magazine. Roger Brygod in Norfolk, Hugh Grantmenil in Leicestershire, seized several places. Roger de Montgomery ^f, William bishop of Durham, Bernard of Newark ^g, Roger Lacy, Ralph Mortimer secured Worcestershire. In a word, there was not a lord among the conspirators, but what fortified himself in some city. Had Robert arrived at that time, probably he would have dethroned his brother. But his natural indolence, and unnecessary expences made him lose so fair an opportunity. On the contrary, the king, who was of a quite different temper, omitted nothing to stifle the conspiracy, whilst his brother afforded him time. The most effectual means was the gaining the English to his side, in which Lanfranc's interest was very serviceable to him. This prelate, who in the late reign had shewn great regard for the English, made use of their confidence in him, to induce them to assist the king in so urgent a necessity. By his solicitations and pains, he reclaimed the conspirators, and persuaded the rest to continue firm to the king ^h. In a very short space William was enabled to send out a fleet, whilst, with an army of Englishmen, he marched against Odo his uncle, whom he justly considered as the ring-leader of the rebels. The prelate had fortified himself in Kent, where he had made himself master of Rochester and Pevensey: as soon as he heard of the king's approach, he shut himself up in Pevensey, where he hoped to hold out a siege, till the duke of Normandy should come to his relief. But as he was more violent than courageous, and for want of fore-sight, had even neglected to provide things necessary for his defence, the town was taken in a few weeks, by the furious assaults of the king. Odo could obtain his pardon upon no other terms but the procuring the surrender of Rochester, where the

The conspirators take up arms. Sax. Ann. S. Dunelm. Brompt.

Lanfranc does the king great service. Malmsh. Sax. Ann.

The king attacks Odo. Sax. Ann. Ord. Vital.

Hoved. Brompt.

^e The county of Constantin (now Cotentin) was then the third part of Normandy.

^f Earl of Arundel and Shrewsbury.

^g Brady.

^h Or rather of Newmarket, Brompt. R. de dicto.

^h He promised them that the king would make good laws, abolish the taxes, and give them free liberty of hunting. Malmsh. Sax. Ann. &c.

1088.



M. Paris.
Malmsh.

He besieges
Rochester.
Huntingd.

Ord. Vital.

Negligence
of Robert.
Brompt.
Hoved.

The king
goes against
the bishop of
Durham,
and banishes
him.
Brompt.
S. Dunelm.

G. Malmsh.
M. Paris.

chief of the Norman lords were shut up, under the command of Eustace earl of Boulogne. To this purpose he was conducted to the gates of Rochester, where he feigned to persuade the governor to surrender the city. But Eustace observing by his looks, that he did not speak from his heart, detained him prisoner, and so furnished him with a plausible excuse for the breach of his promise.

William despairing of becoming master of Rochester this way, was obliged to besiege it. He was six weeks before the town without making any progress, the besieged defending themselves with such bravery, that he began to lose all hopes of success. But at length a contagious distemper, which daily weakened them, compelled them to desire a capitulation. It was no easy matter to agree upon the terms. At length, after many debates, the king granted them the liberty to march off with their horses, without hopes of being ever restored to their estates and employments. The bishop of Bayeux, being reduced to a very low condition, retired to the duke of Normandy, who committed to him the administration of his affairs. The siege of Rochester had furnished the duke with a fair opportunity to make a diversion in some other part of the kingdom. But by an inexcusable negligence, he lost the advantage of so favourable a juncture. Instead of going himself into England, with forces proportionable to the greatness of his enterprise, he contented himself with sending a single ship with some soldiers, who were all taken and drowned¹.

William, being master of Rochester, marched his army towards Durham, to chastise the bishop, who was one of the rebels. As the garrison was very weak, the city was quickly obliged to surrender, and the bishop, with all that had taken arms against the king, were banished. Thus, this conspiracy, which seemed so dangerous, was crushed by the vigour and good conduct of the king, who equally made use of prudence and force to bring the rebels to reason. He not only gained by his address Montgomery, but also several other lords, whose defection was very prejudicial to Robert's party. By his secret emissaries, he made them sensible they were extremely in the wrong to act against him: that, seeing they held their estates by virtue of the same right that procured him the crown, it was manifestly their interest

¹ The historians say, that he sent over part of his army, but king William's fleet destroyed an innumerable multitude of his men: which shews

Robert must have sent a considerable number of troops. Brompt. Sax. Ann. Huntingd. See Malmsh.

to support him. On the other hand, he gave an instance of the greatest prudence in beginning with his uncle's destruction, who was the author of the conspiracy. But his success on this occasion was chiefly owing to his diligence.

As the English had shewed themselves ready to assist him in his necessity, they expected a suitable reward. But it was not long before they perceived they flattered themselves with vain hopes. Whilst he wanted their assistance, he gave them fair words, but as soon as he saw himself well settled in the throne, he forgot his promises. He even began to oppress them with several impositions, in which he shewed still less moderation than the late king. He was gently admonished of these proceedings by Lanfranc, who could not forbear putting him in mind of what he had promised. How careful soever this prelate might be to use the most respectful terms, William was extremely offended, and asked him in an angry tone, and with an oath, whether he thought it possible for a king to keep all his promises? From that time the archbishop was quite out of favour, neither did the king ever afford him one kind look. But his disgrace was of no long continuance. He died quickly after, lamented by both nations, as one of the most worthy prelates promoted to the see of Canterbury ever since the conversion of the Saxons.

William oppresses the English.
Hoved.
Eadmer.
Malmsh.

Lanfranc admonishes him about it, falls into disgrace, and dies.

Whilst Lanfranc was alive and at court, the presence of so venerable a man was some check to the king's vicious inclinations. But as soon as he was clear of this prelate, who had an awe over him, he threw off all restraint. More especially he gave a loose to his natural desire of heaping up money in order to squander it away in a vain and extravagant manner. Avaricious without frugality, covetous and prodigal at the same time, continually heaping up money without ever filling his coffers, he was always in want, and under a necessity of inventing perpetually new ways and means of raising money. One of the methods, never before practised in England, was to seize the vacant benefices. He was not satisfied with having the first-fruits, but appropriated the whole profits to himself for several years together without filling them. And after conveying away every thing that was convertible into money, he sold them so pillaged to such as bid highest, without regarding their merit or capacity. As soon as the archbishoprick of Canterbury was vacant by Lanfranc's death, he seized the temporalities, and kept them in his hands four years. He did the same with the bishoprick of Lincoln, and all others that became void in

Tyrannical proceedings of the king.

Malmsh.
Eadmer.

He seizes the vacant benefices.
Thorn.
M. Paris.

1091.

he readily accompanied Robert ^m to the siege, or rather blockade of this place, situated on a rock, which the sea, by flowing round it twice a day, renders inaccessible.

An adventure of William's. Knighton, Malmfb.

Whilst the two brothers lay before mount St. Michael, William, as he was riding alone at some distance from the camp, chanced to see two horsemen ^a coming from the town. As he was of an impetuous temper, he rid up to them to try to take one of them prisoner, that he might be informed of the state of the place. The soldiers, finding themselves attacked by a single person only, stood upon their defence, and in the first encounter his horse was killed under him, and himself thrown on the ground with his foot entangled in the stirrup. This accident would have cost him his life, if, the moment one of the soldiers was going to kill him, he had not cried out, hold, rascal, I am the king of England. Upon which, they were struck with fear and respect, and helping him up, gave him one of their horses. He nimbly leaped into the saddle, and then addressing himself to the person that dismounted him, come, said he to him, thou shalt be my soldier for the future, and enjoy the reward of thy valour.

Generosity of Robert to Henry.

Though the siege went on but slowly, Henry was driven to great straits for want of water. However, as he knew Robert's good nature, he did not despair of some relief, by representing to him, it would be more glorious to subdue him by arms than by thirst. Robert, who was naturally generous, sent him immediately a tun of wine, with leave to supply himself with as much water as was necessary. William upbraided him as guilty of folly in this complaisance. What, replied he, is the quarrel between us and our brother of that importance, that we should desire he should die with thirst? we may have occasion for a brother hereafter, but where shall we find another when we have destroyed this? but William, not at all pleased with this, as he thought, unseasonable generosity, quitted the siege and returned to England. However, Robert persisted, notwithstanding all difficulties, to carry on the siege, till the place was surrendered upon terms. Henry having liberty to go where he pleased, wandered about for some time without any fixed

Robert takes the mount. Ord. Vital.

^m Malmfb. says, that he was come over from England, (where he had probably been since the conclusion of the treaty) that he might, according to

his engagement, help to reduce the inhabitants of Maine. Malmfb. p. 127.

^a Malmfb. says, that he alone rushed upon many, p. 121.

abode, attended only by a chaplain and three or four domesticks.

1091.

About the same time Robert banished Edgar Atheling out of Normandy, and William forbade him ever returning into England. The cause of his disgrace is unknown, it is only said, he retired into Scotland, his only refuge in his misfortunes.

Sax. Ann.
S. Dancm.
Hoved.

Whilst William was employed in Normandy, Malcolm, king of Scotland, took advantage of his absence, to make an incursion into Northumberland, from whence he carried away a great booty. The northern people loudly complained of the king's amusing himself beyond sea, whilst his frontiers were plundering by foreigners. These complaints apparently hastening his return, he was no sooner arrived, but he made great preparations to be revenged of the king of Scotland. But fearing his brother Robert, who was become master of mount St. Michael, would take advantage of his absence and seize his castles in Normandy, he desired him to come and join him. He pretended, his valour and experience were absolutely necessary to put an honourable end to the war. But to engage him by a more powerful motive, he promised as soon as the affair was over, he would punctually perform his part of their late treaty. Robert being prevailed upon by this promise, and the good opinion the king, his brother, seemed to have of him, speedily repaired into England and attended him to Scotland.

William and
Robert
march into
Scotland.

The success of the war did not answer William's preparations. The greatest part of the fleet, fitted out to annoy the coasts of Scotland, was destroyed by a storm; his army suffered no less in marching over the morasses and mountains. The want of provisions in those almost desolate places he was engaged in, and the roads, grown impassable by reason of the bad weather, visibly destroyed so many of his men, that he often repented of this expedition. He would have been greatly distressed by these accidents, had not Malcolm dreaded the ill consequences of a war, that had drawn the enemy into his country. And therefore choosing rather to oblige William to leave Scotland by fair means, than venture to drive him thence by force, he sent him proposals, which being gladly accepted, were soon followed by a treaty of peace. The conditions were, that Malcolm should pay William the same homage his father had done: that twelve manors, held by him in England before the rupture, should be restored to him, and that William should

Their ill
success.
Brompt.

A peace is
made.
Hoved.

1091.

Edgar re-
stored to fa-
vour.
Brompt.
Hoved.

should pay him yearly twelve marks * in lieu of all other claims. Prince Edgar, who was employed in this negotiation, behaving to the satisfaction of both parties, William and Robert received him into favour, and he had leave to return into England. The duke of Normandy was in hopes the war being ended, the king his brother would seriously think of satisfying him. But perceiving at length he sought only to amuse him, he returned home in great anger, taking prince Edgar along with him.

Glamorgan-
shire con-
quered by
the English.
Welsh
Chron.

Whilst William was in Scotland, Robert Fitzhamon, gentleman of the bed chamber, conquered Glamorganshire in South Wales. He had served Jestyn, lord of Glamorgan, against Rees, king of Wales, on certain terms, which the Welsh lord refused to fulfil, after the war was ended. This breach of faith causing Fitzhamon to resolve to right himself by arms, he drew his friends together, attacked Rees, slew him in the fight, and seized his country. Twelve knights, who accompanied him in his expedition, were rewarded each with a manor which they and their posterity enjoyed ^p.

1092.

Ord. Vital.

William re-
builds Car-
lisle.
Sax. Ann.
Fl. Wig.
S. Dunelm.

The next year, prince Henry took by surprise Domfront, a small town in Maine, where he retired in expectation of a better fortune.

The frequent irruptions of the Scots into the northern parts of England, convincing the king of the necessity of stopping their progress by a strong barrier, he ordered the city of Carlisle to be rebuilt. This city, which had been destroyed by the Danes, and lain two hundred years in ruins, was peopled again, and endowed with great privileges which it enjoys to this day ^q. The episcopal see of Dorchester was removed to Lincoln, and that of Wells to Bath about this

* Of gold. S. Dunelm.

^p There is a book written on this subject by Sir Edward Stradling, or Sir Edward Mansel (for it is ascribed to both) wherein you have the names of the twelve knights. Their names, and the lordships each of them had, are as follow: 1. William de Londres had for his share the manor of Ognor. 2. Sir Richard Granville, that of Neth. 3. Sir Pain Turbervil had Coyty. 4. Sir Robert St. Quintin, Lhan-blethyan. 5. Sir Richard Syward, Talevan. 6. Sir Gilbert Humfrevile, Peppmark. 7. Sir Reginald de Sully, Sully. 8. Sir Roger Berckrolles, East Orchard. 9.

Sir Peter le Soor, Peterston. 10. Sir John Fleming, St. George. 11. Sir John St. John, Fonmon. 12. Sir William Stradling, St. Donats. See hist. of Wales, and Camden in Glamorganshire.

^q Carlisle (the Luguballum, or Lugu-ballia, or Luguvallium of the Britons and Romans, and the Lucl of the Saxons) stands near the confluence of the rivers Eden, Peterill, and Caude. The colony sent hither by William Rufus, of husbandmen, are by all records said to be the first that tilled the lands thereabouts.

time, with the king's consent, which was purchased with a large sum of money. 1093.

This monarch was become so absolute, that he met with no opposition to his will. Taxes and impositions were raised every day on divers pretences. Nothing happened but what the king made an occasion to levy money upon the cities, boroughs, private persons, without favouring the Normans any more than the English. None daring to oppose these oppressions, the people expected no other remedy for their grievances, but the death of the king, which they heartily prayed for in private. A distemper, which seized him at Gloucester, gave them hopes their prayers were going to be heard. He himself thought he had not long to live. The approach of death, which to him seemed certain, and the exhortations of the bishops about him, threw him into reflections, which were followed by some signs of repentance. He appeared firmly resolved to correct the mismanagements in the government, if it pleased God to restore him to his health. The bishops, improving these good motions, admonished him to fill the vacant benefices. They represented to him what an obstacle it was to his salvation, to apply the church's revenues to uses contrary to the intent of the donors. The condition he was in, made him readily comply with whatever was desired. He nominated Robert Bloet, one of his counsellors, to the bishoprick of Lincoln, and for archbishop of Canterbury, made choice of Anselm, abbot of Bec in Normandy, who was then at the English court. It was with great difficulty that Anselm was prevailed upon to accept of this dignity. He was a zealous assertor of the rights of the church, and as he knew William was not very scrupulous in these matters, he dreaded the taking upon him a burden, which, to him, seemed too weighty in such a reign. However, the persuasions of the bishops, and seeming repentance of the king, brought him at length to a compliance. Before he was consecrated, he requested the king, to restore to the church of Canterbury all that belonged to it in Lanfranc's time, which was positively promised. Mean time, William, finding he was out of danger, and perceiving he daily gathered strength, used delays, to avoid restoring the church lands. At length, as the archbishop pressed him continually upon that subject, he frankly declared his intent was, that the persons to whom he had granted the lands should enjoy them, they and their posterity. He even told the archbishop, he expected his consent. But Anselm would never be brought to this compliance,

He falls ill.
S. Dunelm.
Eadmer.
Sax. Ann.

Shows signs
of repentance.
Eadmer.

Makes Anselm archbishop of Canterbury.
Huntingd.
Knighton.
Brompt.
Brady.

1093.

pliance, which he looked upon as a downright prevarication. Hence the great contest between the king and him, which occasioned great trouble to both.

The king
continues his
oppressions.
Eadmer.
Sax. Ann.

In the mean time, William, whose repentance proceeded entirely from the fear of death, finding himself perfectly recovered, forgot all his promises, and took to his former courses. The prisoners, commanded to be freed, were, by his order, more closely confined, and those that were set at liberty, were again thrown into prison. Extortion, injustice, and rapine, were as prevalent as ever. The administration of justice was in the hands of such as took more care to enrich themselves, than discharge the duties of their respective offices. All were poor, but those who had the fingering of the publick money. To be in favour with the king, it was necessary to be without honour or conscience. None but informers met with encouragement. These disorders forced many honest men to resolve to quit the kingdom, and seek elsewhere that tranquillity they could not find in their native country. But even this liberty, which they imagined they could not be abridged of, was denied them by an edict, forbidding all persons to go out of the kingdom without the king's leave.

Pol. Virg.

King of
Scotland
comes to
Gloucester.
Sax. Ann.
S. Dunelm.
p. 218.
Brompt.
R. de Hag.
Flor. Wig.

Returns
home and
invades Nor-
thumber-
land.
S. Dunelm.
Brompt.

Whilst England was in this wretched condition, Malcolm, king of Scotland, came to Gloucester, according to an agreement made with William, to settle some affairs that were left undetermined in the late treaty. As soon as the king had notice of his arrival, he sent him word, that he expected, before all things, to receive his homage. Malcolm replied, he was ready to do it on the frontiers of the two kingdoms, according to custom. William, not satisfied with this answer, let him know further, he would have it done in Gloucester, the vassal not being to appoint where he was to do his homage. Malcolm, looking upon this as a pretence to affront him, returned home without seeing the king, provoked at the haughtiness shown him. He was no sooner in Scotland, but he began his revenge with invading Northumberland. This was the fifth time he had ravaged that country, revenging on the innocent subjects the wrongs pretended to be received from the sovereign. Robert de Mowbray was then governor of the northern parts. He was a person of courage and conduct, and finding the king's forces were too remote, took upon him speedily to remedy the evil his government was afflicted with. He drew together a body of troops with such diligence, that he fell on the Scots when they thought themselves most secure. This unexpected

expected attack throwing the Scots into disorder, they ran away without making scarce any resistance. Malcolm and Edward his eldest son, vexed to see their flying troops, and endeavouring to rally them, were both slain on the spot. The Scotch historians pretend the English owed their victory to a notorious treachery †. Perhaps it was because the Scots suffered themselves to be surprised. However this be, this fatal battle was the occasion of numberless evils to Scotland shortly after. Malcolm had with him a general called Walter, to whom, in reward of his services, he had given the office of steward, or great master of his household †. From this officer sprang the family of the Stuarts; who long swayed the scepter of Scotland, and for a century that of England †. Margaret, king Malcolm's queen, and sister of Edgar Atheling, survived the melancholy news of the death of her husband and son but three days. Though Malcolm left three other sons of fit age to govern, the Scots placed the crown on the head of Donald his brother. This prince was no sooner on the throne, but he expelled all the English out of the kingdom. Among whom was Edgar Atheling, who taking with him the sons of Malcolm his nephews, retired into England.

The Scots delayed to take vengeance of their defeat only whilst they were employed in the coronation of their new king. Towards the end of the summer, Donald, at the head of his army, made an irruption into England, where he cruelly revenged Malcolm's death. As soon as William had notice of it, he sent an army into the north under the command of Duncan, natural son of the late king of Scotland. At the approach of these forces, Donald hastily retired into his kingdom, but was so closely pursued, that he could not avoid coming to a battle. As his army was much inferior to that of the English, he was defeated and forced

1093:

Is slain with
his son.
Hoved.
Brompt.
W. Gemeticen.
Malmib.

Origin of the
family of the
Stuarts.
Buchanan.
Queen Margaret dies.

Donald
made king.
S. Dunelm.

He invades
England.

Is defeated.

† Boethius and Buchanan say, that Malcolm having reduced the castle of Alnwick to extremity, the besieged were forced to surrender, and only desired that the king in person would receive the keys of the gates, which were brought by a soldier upon the top of a lance, who standing within the wall, thrust the point of the lance into the king's eye as he was going to take them. Upon which, Edward his son falling too rashly upon the enemy, received a wound of which he soon after died. Malmib.

* This magistrate (says Buchanan) was to gather in all the king's revenues; also he had a jurisdiction, such as the sheriffs of counties have, and he is the same with that which our ancestors called a thane.

† Camden says, Malcolm made Walter steward of the whole kingdom of Scotland, and that he was son to Flean by Nesta daughter to Griffith ap Llewelin prince of North Wales. Flean was the son of Banquo, slain by Macbeth.

1093.

Duncan
crowned.
Sax. Ann.
War with
Wales.
Flor. Wig.

to betake himself to one of the Hebrides *. This misfortune throwing the Scots into great consternation, Duncan improved the juncture, and got himself crowned in the room of Donald.

About the same time new troubles arising in Wales, the English army marched thither. This war proved fatal to the Welsh, who lost part of their country, with Rees their king slain in a battle †.

1094.

William
was against
his brother
Robert.
Sax. Ann.
Fl. Wig.
M. Paris.
S. Dunelm.

The affairs of Scotland and Wales being ended to William's satisfaction, it was not long before he sought fresh occasions to exert his activity. Robert his brother being displeased that their late treaty was not executed, was making preparations, which made William suspect he designed to retake the places yielded to him by the same treaty. Therefore, without troubling himself to satisfy him, he resolved to lead an army into Normandy to secure his fortresses, and make new conquests. As he went to embark, he passed through Hastings, where he visited Battle Abbey, and caused the church to be consecrated, which was dedicated to St. Martin, as the king his father had ordered. Upon his arrival in Normandy, he desired a conference with his brother, wherein he endeavoured to amuse him with fresh promises. This interview proving ineffectual, they agreed upon a second, in the presence of the twenty four barons, who had sworn to the treaty. William's sole aim was to intimidate these barons, that they might lay the fault on his brother. But finding that, instead of blaming Robert, they openly declared in his favour, he broke off the conference, and began hostilities. He immediately became master of some places, the governors whereof he had bribed. But afterwards, Robert, receiving assistance from France, retook Argentan, and made the garrison, consisting of eight hundred men, prisoners. After that, he besieged the castle of Holms, which surrendered at discretion. These successes made William sensible, he should find it difficult to end the war without loss, if the French troops continued in his brother's service. Having learnt by experience that Philip was not proof against presents, he resolved to try the same way that had formerly succeeded so well. But after the excessive

Robert as-
sisted by the
French.

* A cluster of isles called by the inhabitants Inch Gall, who retain the manners, customs, and habit of the ancient Scots, and speak the Irish language. They are commonly thought to be forty-four in number, though they that have travelled them, reckon them

to be about three hundred. They are called by the English, the western isles.

† From this time there were no more princes in South Wales, but the king's of England were accounted their chief governors.

taxes laid on the kingdom, it seemed impracticable to raise the sum he then wanted. However, as he had a fertile invention on these occasions, he bethought himself of a new expedient, which succeeded to his wish. Under pretence that there was an urgent occasion for supplies, he sent orders into England to levy with all possible speed twenty thousand men. In raising this army, such were purposely taken for soldiers as were well to pass, or to whom it was very inconvenient to leave their families. When these levies were going to embark, the king's treasurer told them, by his order, that they might every man repair to his own home upon the payment of ten shillings each *. This news was so acceptable to the soldiers listed against their wills, that there was not one but what was glad to be dismissed at so easy a rate. By this means William raised the sum of ten thousand pounds sterling, with which he bribed the French to retire, who were an obstacle in their way.

1094.

S. Dunelm.

Who are
bribed by
William.

The departure of the auxiliaries put Robert's affairs in a very bad state. Probably, it would have occasioned the loss of all his dominions, if the king had not been obliged to return into England to quell the Welsh, who were ravaging Shropshire and Chester. Never could a diversion come more unseasonably, since it made him lose the conquest of Normandy, which he now thought infallible. He left Normandy therefore with extreme indignation, after a reconciliation with his brother Henry, who crossed the seas with him.

1095.

War with
the Welsh.
Chron.
Camb.

At his arrival in England, he marched into Wales, where he rebuilt the castle of Montgomery that had been demolished. At his approach, the Welsh, according to custom, retired to the mountains, where it was impossible to reach them. As that difficult country was unknown to him, he lost so many of his men in obstinately pursuing the enemy in their lurking holes, that he was at last compelled to retire without doing them much damage.

The king's
two expedi-
tions into
Wales.

In spite of the difficulties he had struggled with in this expedition, he resolved upon a second, the same year, after lengthening his army with new levies. But he was scarce entered Wales, when he was called off from his enterprise,

* Simeon of Durham, and the rest of the historians say, that Ranulph Flambard, the treasurer, took from them the money that had been paid them for their maintenance. S. Dunelm. Sir Henry Spelman supposes they were raised

not by the way we call pressing, but through the king's earnest solicitations; and that the money the king took from them, was what the country had allowed them for their subsistence. Spelman's codex.

1095. by affairs of greater importance, which more nearly concerned him.

Mowbray's
revolt.
Malmsh.
Hoved.
S. Duncelm.
Brompt.
Sax. Ann.

Robert de Mowbray had done the king signal service by his victory over the Scots. Elated with his happy success, he imagined William could not sufficiently reward so important a service, that had freed him from a very troublesome neighbour. But the king, who had no generosity in him, expressed so little gratitude, that the earl's haughty spirit led him to devise means to make him repent of this contempt. Nothing less would satisfy his revenge than the dethroning of William, and setting the crown on the head of Stephen, earl of Albemarle, nephew to William the conqueror. He drew into this conspiracy a great number of lords, who, as well as he, were dissatisfied with the harsh and scornful behaviour of the king. William received the first news of this conspiracy as he was marching into Wales. But this war seeming to him of little importance in comparison of the gathering storm, he altered his course, and marched with all speed to the north. His design was to crush the head of the malecontents, before the rest could join him. The conspirators foreseeing he would march that way, laid an ambush for him, which he would have certainly fallen into, if Gilbert de Tunbridge, one of the rebels, had not given him notice of it. This stratagem failing, William continued his march, and besieged the castle of Bamborough, where Mowbray was. This place, which was strong and well stored with necessaries, holding out longer than was expected, he resolved to change the siege into a blockade, that he might go in quest of the other conspirators, who were now up in arms. To this purpose he built near Bamborough a fortress which he called Mal-Voisin [or bad neighbour] because it took away all possibility of throwing any succours into the castle. Some time after, Mowbray, going out upon a false information, had the misfortune to fall into the hands of the besiegers. As soon as the king heard of it, he ordered the prisoner to be carried to the foot of Bamborough walls, and, in case the besieged refused to surrender, his eyes to be put out before their faces. This order produced the desired effect, the castle was surrendered upon terms, and Mowbray confined in Windsor castle, where he remained a prisoner

The king
had like to
fall into an
ambush.
Ord. Vital.

He besieges
Bambo-
rough,

and builds
Mal-Voisin.
Hunt.
Hoved.

Mowbray
taken and
imprisoned.
Brady.

y Sim. Durham says, some soldiers belonging to Newcastle upon Tyne, promised to give him entrance into the town, if he would come thither privately with a few followers. Upon which, he

went out one night with thirty soldiers, but being betrayed by his own men, was pursued and taken by the garrison of Mal-Voisin.

dirty years. His companions in the revolt met with no better treatment. Roger Lacy was dispossessed of all his lands *. Hugh, earl of Chester, redeemed his life with the sum of three thousand pounds sterling. The count of Eu, choosing to vindicate his innocence in single combat against his accuser, and being overcome, was condemned to lose his eyes, and be castrated. William of Ardres, accused of the same crime, was sentenced to be hanged, though he protested his innocence with his last breath. All the rest were condemned to divers punishments, not one escaping.

1095.

His accomplices are all punished. Malmsh. Sax. Ann.

The king was no sooner out of this trouble, but he fell into another, occasioned by the renewal of his differences with the archbishop of Canterbury. He had no great regard to the church's immunities, which Anselm too haughtily supported. This prelate had even presumed to acknowledge Urban II. for lawful pope, though he very well knew, the king was rather inclined to Clement his antagonist. In vain was it represented to him, that by a law made in the late reign, no person was to acknowledge a pope without the king's consent. This argument was of no force with him, who pretended the king had no right to meddle with ecclesiastical affairs. But upon what ground did he himself pretend to determine for the whole church of England? The king, for his part, was not willing to give way to his subject, and as he began to treat him a little roughly, Anselm desired leave to go to Rome. William at first denied him, but at length consented, being glad to be clear of him. However, not to let him depart without further marks of his displeasure, he sent an officer after him, who, overtaking him just as he was going to sail, ransacked his baggage, and took away as he all the money he could find, pretending it was against the law to carry the coin out of the kingdom. After Anselm's departure, the king seized the temporalities of the archbishoprick, and enjoyed them as long as he lived. This prelate continued some time at Rome, where he did all that lay in his power to stir up the pope against the king. But at length, finding Urban did not care to engage in his quarrel, he retired to a monastery at Lyons, where he remained till William's death.

Quarrel between the king and Anselm. Dunelm. Hunt. Hoved. Eadmer. Malmsh.

M. Paris.

Urban II. was then going to discover the grand design which he had been long revolving in his mind. I mean the famous crusade, undertaken for the recovery of the Holy

1096.

* Which were given to his brother Hugh, who adhered to the king. Ord. Vital. p. 904.

1096. Land out of the hands of the Saracens. This grand affair is so well known, that there is no occasion to descend to particulars. It will be sufficient to remind the reader, that Peter the hermit first set this project on foot: that pope Urban II. preached it himself at the council of Clermont: and that numberless persons of all nations and ranks in Europe, zealously embarked in it. The badge of those that engaged in this undertaking, was a red cross wrought in their habit, and worn on the right shoulder, from whence they were called the Crois  es [or the crossed], and the expedition, the Crusade. Their Motto was, It is God's will. The heads of the Crois  es were, Hugh of France ^a, Godfrey of Bouillon, Raimund of Tholouse count of St. Giles, Robert earl of Flanders, Baldwin earl of Haynault, Bohemond prince of Tarentum, Tancred his nephew, and Robert duke of Normandy ^b. Robert burned with a desire of distinguishing himself in this war, which made so much noise in the world: but money was wanting to defray the necessary charge. The only means he had to supply this want, was to borrow a sum of the king his brother ^c, and give him Normandy for his security ^d. William gladly received the proposal. But as his kingdom was exhausted by the great levies of money already raised, he was forced to recur to new methods. The readiest way, as he thought, was to desire the richest of his subjects, particularly the nobility and clergy, to furnish him with the sum required. His request being equivalent to a command, such as were unwilling to comply were forced to it, without respect of persons. This compulsion gave the lords a pretence to treat their vassals in the same manner, and oblige them to contribute to the king's wants. Several ecclesiasticks not having by them what was demanded, were, or pretended to be, under a necessity of melting down the church plate, and even the shrines of the saints ^e.

The holy
war.
Flor. Wg.
Eadmer.
M. Paris.
Malmsh.

Robert
mortgages
Normandy
to the king
his brother.
S. Dunelm.
Hoved.
Brompt.
W. Gemet.

Malmsh.
S. Dunelm.
Eadm.

The different
tempers of
the two
brothers.

Let us here reflect a moment, on the different temper of these two sons of William the conqueror. The first makes a conscience of oppressing his subjects to supply the charges of an expedition approved by all the world, choosing rather to mortgage his dukedom than raise the money upon them. The other makes no scruple to extort money from

^a Hugu magnus, count of Vermandois, Valois, Chaumont, Amiens, brother to Philip I. king of France.

^b The chief head of the crusade was Adhemar bishop of Poi in France. Fleury's eccl. hist.

^c Ten thousand marks of silver,

S. Dunelm.

^d For three years, Eadmer.

^e He took at that time four shillings upon every hide of land; from which the ecclesiasticks themselves were not exempted. See liges Eadw. confess, c. 21.

his people, to acquire a good, of no advantage to them, but purely to gratify his ambition. Hence we may judge how great an injury the conqueror did the English in preferring the younger to the elder brother. 1096.

As soon as Robert was gone, William, taking possession of Normandy[†], demanded of the king of France the French vexin[‡], which he pretended belonged to the dukedom. This pretension occasioned a war, which, having nothing remarkable in it, ended the next year in a treaty of peace. William wars with France. Ord. Vital.

The great ease wherewith William had lately acquired Normandy, served only to inflame his desire and set him upon the conquest of Wales. To that end, he made, on some other pretence, extraordinary preparations, imagining he could not fail of success, as he hoped to surprise the Welsh. He resolved to extirpate all the males of that nation, whose neighbourhood had all along been very troublesome to the English. But the honour of this conquest was not reserved for him. Though by the assistance of some deserters, he penetrated a good way into that difficult country[§], he lost more of his own men than he destroyed of the enemy's. So that he was forced once more to desist from this undertaking, without doing any thing considerable. 1097.

Shortly after, a new revolution in Scotland made him resolve to send an army thither under the command of Edgar Atheling. Donald, who was driven out of Scotland, finding means to re-enter, compelled Duncan to leave the kingdom, and established himself in the throne. The greatest part of the English historians pretend, that William, as sovereign lord of Scotland, made himself judge of this difference. They add, that doing Edgar, eldest son to Malcolm Canmore, the justice due to him, he ordered his troops to march into Scotland, and put that prince in possession of the crown. However this be, without staying to examine the matter, I shall only say, Edgar Atheling, by help of the English army, placed young Edgar his nephew on the throne of his ancestors. William could not undertake this expedition in person, the revolt of the province of Maine obliging him to go thither and lay siege to the capital. His war with the Welsh. Brompt. Hoved. Hunting. Sax. Ann.

During the king's absence, Wales was again exposed to the insults of the English, or rather Normans, who began The affairs of Scotland. Sax. Ann. Huntingd. Bingham.

[†] He took possession of it before Robert set out, in September. S. Du-nelm.

[‡] The Norman vexin is seated between the river Andelle and the river

Epte. The French vexin lies between the Epte and the Oise.

[§] He continued there from Midsummer till August, and ordered castles to be built upon the frontier. Sax. Ann.

1098.

Chron.
Gal.
Sax. Ann.
Hoveden.
Malmsh.

The king of
Norway at-
tacks An-
glesey.
Pol. Virg.
Hoveden.
Brompt.
Du Chesn.

William re-
pairs Lon-
don-bridge,
builds
Westmin-
ster-hall,
and a wall
round the
Tower.
Sax. Ann.

Huntingd.

to be confounded with the English. Owen, a Welsh lord, father-in-law of Griffith and Cadagan¹, kings of Wales, having been disoblged by his sons-in-law, privately invited the earls of Chester and Shrewsbury into his country, promising them a great booty. The two earls levying some troops, were received by Owen into Wales, where they committed unspeakable cruelties. The two kings, surprised by this unexpected attack, were forced to fly into Ireland, and leave the country to the mercy of the English. Their flight giving their enemies an opportunity to continue their march, they penetrated as far as the isle of Anglesey, where they destroyed all with fire and sword. Whilst they were exercising their cruelties, Magnus, king of Norway, who had lately made himself master of the isle of Man, advanced as far as Anglesey. As he offered to land, the English endeavoured to hinder him, and the earl of Shrewsbury² was slain in the skirmish. His death was looked upon as a just judgment for the horrid barbarities committed by him in the isle. This accident causing some disorder among the English troops, they were constrained to abandon the shore. Magnus, landing in the island, and finding the English had left nothing to plunder, re-embarked, and the English retired laden with spoil.

These little advantages were not capable of balancing the evils the English suffered this same year. Besides a great scarcity, occasioned by bad weather, which lasted several months, the king laid heavy taxes upon them, so much the more grievous, as the money was to be expended in works that were unnecessary, or at least might have been deferred to some other time. He not only rebuilt London bridge, which had been carried away by an unusual flood, but chose this time of scarcity for other works, which required vast sums of money. He raised a new wall round the Tower, and built a great hall at Westminster two hundred and seventy feet long, and seventy broad. How spacious soever this hall was, William, at his return from Normandy, thought it too little, and said it hardly deserved to be called a bed-chamber, in comparison of the extent he designed it. It is affirmed, he undertook this building purely to raise money,

¹ He was father-in-law to Griffith, and uncle to Cadagan, having married his aunt Everyth, the daughter of Conwyn. See hist. of Wales, p. 155.

² Hugh de Montgomery, youngest

son to Roger de Montgomery, earl of Arundel and Shrewsbury. Dugdale's Barons. The Welsh called him Hugh Goch, i. e. the red-headed,

and for the same reason resolved to pull it down and build it larger, but was prevented by other affairs. 1099.

About Midsummer, the next year, William, as he was hunting in New Forest, was told by a messenger that Helias count de la Fleche, had surprised the city of Mans, and was then besieging the castle, which would soon be forced to surrender, if not timely relieved. This news obliging him to break off his sport, he sent the messenger back that instant, ordering him to tell the besieged he would be with them in eight days. At the same time, he turned his horse's head towards the sea side, crying out, he that loves me, follow me, and arrived at Dartmouth that very day, where he would have embarked immediately: but the wind was so contrary, that the master of the ship represented to him, he could not put to sea without manifest danger. Tush, replied the king, set forward, thou never yet heardst of a king that was drowned: and compelling him to sail, he safely arrived at Barfleur. On the morrow he sent for the troops he had in Normandy, to attend him on the road to Mans, and in a few days marched to the relief of the besieged. By this extreme diligence, he surprised the besiegers in such a manner, that he not only relieved the castle, but took the count of Fleche prisoner. Exulting at his success, he could not forbear jesting on the misfortune of his enemy. But the count, far from being cast down at what had happened, fiercely replied, he had no reason to glory in an advantage which he had gained by surprise, adding, were he at liberty again he would let him see, it would not be so easy a matter to vanquish him another time. The victorious king, piqued with these bold words, set his prisoner free upon the spot, telling him, He desired no return, but exhorted him to do his worst. After this, returning to England with the same expedition, he went and pursued his diversion, which this affair had interrupted.

The same year the Croisées took Jerusalem by storm, and put forty thousand Saracens to the sword. When they came to elect a king to govern the country conquered upon the infidels, the majority of the leaders of the christian army gave their votes for Robert duke of Normandy. But this prince, for reasons unknown, refused this dignity¹. Whereupon, the famous Godfrey of Bouillon was chosen, who by

William re-
lieves Mans.
Malmsh.
S. Dunelm.
M. Paris.
W. Gemet.
Huntingd.
Sax. Ann.
S. Dunelm.
&c.

Jerusalem
taken.
M. Paris.
Malmsh.
M. West.

¹ At least this passed current in England, as we shall see in the year 1106. It is said he did it out of expectation of the

crown of England, and our historians observe, that he never after prospered in any thing he undertook.

1100. his valour and conduct, had greatly contributed to the success of that expedition.

Earl of
Poitiers
mortgages
his dominions
to the
king.
Malmsb.
Ord. Vital.

Fortune seemed to take a pleasure in heaping favours on William. After having acquired the possession of Normandy by a happy chance, which he had no room to expect, an opportunity was put into his hands of becoming also master of the dutchy of Guienne and earldom of Poitou. William, earl of Poitiers, animated by the example of so many princes engaged in the holy war, resolved to join them, and lead a powerful reinforcement to the Croisées. As this design could not be executed without great expence, he applied to the king of England for the sum he wanted, offering to mortgage his dominions for his security. William readily closing with so advantageous a proposal, speedily raised the money. He designed to carry it himself to the earl, that he might at the same time take possession of his dominions, consisting of Guienne and Poitou, two of the richest provinces of France. Whilst he was preparing for his voyage, he had a mind to take the diversion of hunting in New Forest, where an unforeseen death put an end to all his projects.

William
killed by ac-
cident, as he
was hunting.
Hoved.
Malmsb.
Knighton.
Brompton.

It is said, as the king was going to mount his horse, he was told a certain monk had dreamt a dream which portended some great misfortune to him. As he gave but little heed to such presages, he answered jestingly, he plainly saw the monk wanted money, so ordered him a hundred shillings; but however sent him word, to dream better dreams for the future ^m. Whether this dream is to be considered as an omen, or the pure effect of chance, it was that very day fulfilled. Towards the evening, William, having wounded a stag, was pursuing him full speed, when Walter Tyrrel, a French knight ⁿ, shooting at the same stag, pierced the king through the heart, upon which he fell down dead without speaking a word ^o. The murderer, though he knew his own innocence,

^m The monk dreamt that he saw the king gnaw a crucifix with his teeth, and that as he was about to bite off its legs, the image spurned him to the ground, and as he lay groveling on the earth, there came out of his mouth a flame of fire, with abundance of smoke. Malmsb.

ⁿ Ord. Vitalis calls him a rich native of Pontoise, a valiant knight, dextrous in arms; and therefore very intimate with the king, by whom he had been invited over. See Malmsb.

p. 126. After the fact, he escaped into Normandy. Knighton. Tyrrel.

^o The circumstances of this matter are thus related by sir John Hayward. As the king was hunting at Choringham, in the New Forest, he struck a deer lightly with an arrow; and stayed his horse to look after the deer, holding his hands before his eyes to keep off the sun-beams which dazzled his sight; another deer crossing the way, Sir Walter Tyrrel shooting at it too carelessly, or too steadily at the king, hit him

innocency, and for it however, without any body endeavouring to seize him. Every one was busy about the king, whose body was laid in a cart, which accidentally came by, and carried to Winchester, where it was buried the next day. Henry, his brother, fearing to be retarded in his measures for securing the crown, dispatched the funeral as soon as possible, which was celebrated without much ceremony, no one lamenting the loss of a prince so little beloved.

Thus fell William Rufus on the second of August of the year 1100, in the forty-fourth year of his age, after a reign of twelve years, ten months, and twenty three days. His tragical death, in the very place where his brother and nephew perished by no less extraordinary accidents, gave occasion for many reflections. It was publicly said, that God was pleased to take vengeance upon the conqueror's family, for his destroying and laying waste the country to make the New Forest. But there is no need to have recourse to the father's faults; enough might be found in the son, not to wonder at his perishing by an uncommon death. Accordingly historians, without hesitation, rank William Rufus among those princes who are no great ornament to the throne of England.

This prince had all the vices of his father without his virtues. William I. balanced his faults, by a religious outside, a great chastity, and a commendable temperance. But by the description given of his son by historians, it appears, he was neither religious, nor chaste, nor temperate. He was profuse to his favourites and soldiers, and magnificent in his buildings and cloaths, it is said, his valet bringing him one day a new pair of breeches which cost but three shillings, he fell into a passion, and ordered him never to bring him any but what cost at least a mark. It is added, he was contented with a pair not worth so much, being valued to him at a mark. If we may believe those who have writ his life, he had neither honour nor conscience, nor faith,

him fell in the breast. Mr. Tyrrel observes, though Florent of Worcester, Malmesbury, and Simeon of Durham, (who wrote within forty years after this accident) do all agree in the place and person who had the misfortune thus to kill this prince, yet there are authors of that very age, who not only doubt, but positively deny that this Walter had any hand in it. Eadmer says, Whether the arrow was shot at him, or, as most affirm, slew him by his

falling down upon it—His tomb of grey-marble (somewhat raised from the ground) remains at this day in the midst of the choir, of Winchester cathedral. This monument being broke open by the parliamentarians in the reign of Charles I. was found to contain the dust of that king, some relics of cloth of gold, a large gold ring, and a small chalice of silver. The reader may see a draught of this tomb in Sandford's gen. hist. p. 23.

1100.

Character of
William.
Rufus.
S. Dunelm.
Brompt.

Malmesb.

1100.

Eadmer.

P. 123.

Remarks on
the histori-
ans, who
have given
us the cha-
racter of
Rufus.

Thorn.
Baker.

nor religion, and that he took a pride in appearing as such. It is related that one day fifty [English] gentlemen, accused for hunting and killing the king's deer, having passed through the trial of the fire ordeal untouched, he swore, he could not believe God was a just judge, since he protected such sort of people. Eadmer, who lived in his time, says, the king took money of the Jews at Roan, to compel such as were baptized to return to Judaism^p. Malmshury adds, William ordered some bishops and Rabbies to meet together and dispute in his presence upon religion, promising the rabbies he would be circumcised, if their arguments seemed to him stronger than those of the christians. Indeed, the historian says, it is to be supposed this promise was only in merriment. He is charged with denying a providence, and openly maintaining that prayers addressed to saints were vain and impertinent.

But to judge impartially of the testimony of these historians, who were all either monks or ecclesiasticks, it must be considered, they may very possibly have drawn him in blacker colours than he deserved. For he was the first king of England that seized the church's revenues, without regarding the clamours of the clergy. This was unpardonable with them. Their strong prejudices against him on that account, might perhaps make them think, that a prince, guilty of so heinous a crime, must have been without faith or religion. This conjecture may be supported by observing that the writers, who charge him with profaneness, produce no other evidence than some publick rumours. As for incontinency, which he is also accused of, they alledge no instances, nor so much as name any of his mistresses, though the amours of kings are not easily concealed. It is true, they father a bastard son upon him, called Berstrand^q. But this alone would not have been sufficient to put them so much out of humour, had not his other actions, which more near-

^p This story is thus related : a young Jew being converted, as is said, by a vision of a saint, his father presented the king with sixty marks, entreating him to make his son return to his old religion. The king sends for the young man, and commanded him without more ado to turn Jew again ; which he refusing to do, and wondering the king, who was a christian, should propose such a thing to him, he was bid to be gone. The father perceiving the king could do no good upon his son,

desired to have his money again. Nay, said the king, I have taken pains enough for it all : however, that thou mayest see how kindly I will use thee, thou shalt have one half, and the other half thou canst not in conscience deny me for my pains. Eadmer p. 47.

^q Baker is the only one (as far as can be found) that mentions this child. But the monks give king William a bad character as to his incontinency. Brompt. M. Paris.

ly concerned them, stirred their choler. However, this is only a conjecture, which the reader may value as he pleases. Nevertheless, as I find in the life of this prince but few laudable actions to balance these accusations, I do not see how he could possibly be justified, since all the historians unanimously agree in saying so much ill of him. 1100.

His ordinary revenues were probably the same with his father's. But as he ran into many more needless expences, he often increased them by extraordinary impositions, which were very frequent in his reign. To these were added the profits of the vacant benefices, which brought him very large sums. At the time of his death, he had in his hands the archbishoprick of Canterbury, the bishopricks of Winchester and Salisbury, and twelve rich abbeys, besides many other benefices of less value. When, after enjoying the incomes some years, he thought fit to dispose of the benefices, he never regarded the merit of the persons, but only the sum they bid for them. However, it is related, that one day two monks striving to outbid one another for a rich abbey, he perceived a third standing by, of whom he demanded how much he would give? the monk replied, he had no money, and, if he had, his conscience would not suffer him to lay it out in that manner; whereupon the king told him, swearing by St. Luke's face, his usual oath, that he best deserved it, and should have it for nothing. Sax. Ann. Huntingd. p. 378. M. Paris, p. 46. Huntingd. M. Paris. Higden.

Ranulph Flambart, a man of mean birth, was his treasurer, and the contriver of most of the extraordinary ways practised by the king to extort money from his subjects. He was rewarded for his services with the bishoprick of Durham, conferred on him by the king a little before his death. Ranulph prime minister. Malmsh. Eadmer. Sax. Ann.

Among his charitable works are reckoned, the hospital he founded at York, and a church in Southwark for the use of the monks called De Charitate.

This prince was of a middle stature, but being very fat, looked shorter than he was. His hair a deep yellow, inclined to red; his eyes of two different colours, speckled with small black spots. He was generally of a very ruddy complexion. Though he was far from being eloquent, he talked a good deal, especially when angry. His countenance was severe, and his voice strong, which he would exalt sometimes on purpose to frighten those he was speaking to. He Malmsh.

^r Also of an old monastery in the city of York, he founded an hospital for the support of poor persons, and dedicated it to St. Peter. This hospital

was afterwards augmented by king Stephen, and by him dedicated to St. Leonard. Sir John Hayward in the life of Will. p. 220.

1100. is said however to converse affably enough with his courtiers, who easily found the way to soften his fierce temper.

Extraordi-
nary occur-
rences in his
reign.
Malmsh.

Historians relate several extraordinary accidents in this reign, as earthquakes, comets, and a spring, which ran blood three days together. But what caused the most damage

* One in the year 1089, which was followed by a dearth.

† At Finchamstead in Berkshire. Malmsh. and other historians say, it ran for a fortnight together. S. Du-nelm affirms, it ran for three weeks together. In 1091, there was so terrible a storm at South-west, that it blew down above six hundred houses, and several churches in London. It took off the whole roof of St. Mary-le-

bow church, and carried it a good way. There were four beams in it twenty-six feet long, that fell with such force in one of the streets (which were not then paved, but a moorish ground) that they sunk above twenty feet in the street. As they could not be pulled up again, people were forced to saw them even with the ground. See Stow's survey, vol. I.



As there is but little to say of this king's coin, it may not be amiss to show how the king's revenue was paid in those ancient times. At first, the tenants of knights fees answered to their lords by military services; and the tenants of socage lands and demesnes in great measure by work and provisions: afterwards, the revenue of the crown was answered in gold and silver, and sometimes in palfreys, destriers, chafeurs, leveriers, hawks, &c. (that is, in horses, dogs, and birds of game) and the like. Sometimes in both together. When a man paid money into the exchequer, it was said, *In thesauro liberavit* so much; and the same phrase continueth to this day. These payments were made *ad scalam* and *ad pensum*; and in blank silver and numero by tale. *Ad scalam* was by paying sixpence over and above each pound or twenty shillings, which at first was thought sufficient to make good the weight. *Ad pensum* was the person's making good the deficiencies of weight, though it was more than

sixpence per twenty shillings. But as the money might be deficient in fineness as well as weight, a third way of payment was by combustion, or melting down part of the money paid in, and reducing it to plate of due fineness. When the ferm was melted down, it was said to be dealbated or blanched. As suppose a ferm of a hundred pounds was paid into the exchequer, after the combustion it was said to be a hundred pounds blank. Frequently the twentieth part of one shilling was accepted in lieu of combustion, to save trouble and charges. The payment by numero or tale needs no explanation. Payments, or at least computations, were made by marks, and half marks; ounces, and half ounces of gold: and in pounds, marks, half-marks, shillings, pence, &c. of silver. The mark of gold was equal to a hundred and twenty shillings of silver. The ounce of gold was equivalent to fifteen shilling of silver. The pound of silver by tale was twenty shillings; the mark thirteen shillings and four-pence; and the

nage was, first, a great fire in 1092, which burnt down 1100.
 great part of London. In the next place, the sea rising to
 an extraordinary height, overflowed the coast of Kent, and
 swept away abundance of people and cattle. This inunda-
 tion covered the lands that belonged formerly to earl Good-
 win in the reign of Edward the confessor. This place, call-
 ed at this day Goodwin's Sands, is famous for shipwrecks
 innumerable.

Malmesbury observes of the reign of William Rufus, that p. 23.
 notwithstanding mens minds were turned to war, yet excess Remarks of
 and sensuality prevailed in a very scandalous manner among an historian
 the nobility, and even among the clergy. Vanity, lust, and on the cor-
 intemperance reigned every where, says that historian. The ruption of
 men appeared so effeminate in their dress and conversation, manners in
 that they shewed themselves men in nothing but their daily this age.
 attempts upon the chastity of the women. Eadmer.

3. HENRY I. *surnamed* BEAUCLERK.

THE English considered the death of William Rufus HENRY I.
 as a great delivrance, though the present advantage 1100.
 reaped by it, was not to continue long. The Nor-
 man yoke was not broken by the death of this prince, since
 there still remained two sons of William the conqueror, of
 whom one was soon going to be their sovereign. Indeed
 this might have been a favourable juncture, if they had de-
 signed to throw off this yoke, or the two former kings had
 left it in their power to attempt it. But depressed as they
 were, and stript of their estates and all offices, such a thought
 could scarce come into their minds. Their only course was
 to be guided by the proceedings of the Normans, who were
 masters of the kingdom. In all likelihood, these were in
 great perplexity on account of the two brothers, who might
 both claim the crown. Robert, duke of Normandy, by his

*The disposi-
 tion of the
 English and
 Normans,
 with regard
 to the suc-
 cession.*

the shilling consisted of twelve-pence ;
 and a penny was the twentieth part of
 an ounce, equal to our threepence.

The coins of William Rufus are ex-
 ceeding rare, if, as is justly believed,
 all those with the full face are to be
 ascribed to the conqueror: however,

several authors place one with a full
 face to this king, inscribed WILLM.
 REX. AN. a cross, or a star, on each
 side the king's head: reverse, a cross
 composed of double lines, as in the fi-
 gure here annexed.

birth,

II 10. birth, seemed to have an incontestable right, which was further strengthened by his late treaty with William Rufus, wherein it was agreed that the survivor should be heir to all their father's inheritance. Besides, his mild and generous temper, which had gained him a strong party in England, seemed to give him a great advantage over his brother Henry, whose disposition was unknown. But on the other hand, his slothfulness and negligence, of which he had given too many instances, formed a disadvantageous prejudice against him. His very friends were backward to declare in his favour, fearing he was not in condition to prosecute his right. His departure from the Holy Land was known, but where he was at present none could tell. Nay, his friends were in pain about him. Moreover, after his great expence in his voyage, it was reasonable to presume that, at his return, he would find himself destitute of all necessary means to dispute the crown with his brother.

Robert's advantages. On the contrary, Henry had the advantage of being born in England ^a, whilst his father was on the throne, which went a great way with some people. Then, his pretensions were strengthened with his presence, and positive promise both to the Normans and English ^b to abrogate all rigorous Laws made since the conquest, to restore the government as in the time of the Saxon kings, to abolish all unjust and arbitrary taxes, to reinstate the clergy in their privileges, to fill the vacant benefices, and recal the banished ecclesiasticks. But all these promises would not perhaps have produced the desired effect, if his diligence and vigour at this juncture had not added weight to his reasons. Immediately after the death of William, he posted to Winchester, where the crown and sceptre were kept with the royal treasure, and would have taken possession, but was stoutly opposed by William de Bretevil ^c, one of Robert's adherents. This lord alleged, they were bound by oath to acknowledge the duke of Normandy for king, in case William died without heirs. That besides, the law of nature gave Robert a right, which could not be justly disputed. During this contest, several other lords being come to Winchester, there was quickly a great concourse of people, flowing in from all parts to know

His disadvantages.

Advantages of Henry.

Sax. Ann. M. Paris. S. Dunelm.

His diligence to get the crown. Ord. Vital.

He meets with difficulties.

^a He was born at Selby in Yorkshire in 1070, Sandford.

^b To the clergy and laity (populo universo) which he assembled at London. M. Paris. Eadmer.

^c He was son of William Fitzosbern

earl of Hereford, and had his estate in Normandy, of which Britolium was the chief seat, from whence he was surnamed William de Britolio, now Bretevil.

what was transacting. If the choice of a king had solely depended upon the lords, then at Winchester, the duke of Normandy's right would doubtless have been preserved. But Henry gave them not time to take necessary measures to execute such a design. As he observed the people were in his interest, he improved that advantage, and drawing his sword, swore no man should take possession of the crown. The dispute still growing warmer, the lords that were present thought fit to retire into a private room, to consult more calmly together what was to be done on this emergency. Whilst they were debating, the people made the name of Henry resound in their ears by their loud acclamations, and gave them reason to dread it would be extremely dangerous to declare for Robert. So, preferring their own safety to justice and equity, they resolved, (in order to prevent a civil war which seemed unavoidable, if they persisted in asserting the rights of the duke of Normandy,) to place Henry on the throne. This was enough to satisfy the prince that his right was sufficiently established. Without staying for the confirmation of the estates, he set out immediately for London. On the morrow after his arrival, Maurice, bishop of that city⁴, in consequence of this hasty and irregular election, put the crown on his head, administering to him the usual oath.

1100.

He shows great vigour and resolution.

Henry is elected, in a tumultuous manner,

and crown'd. Sax. Ann. Eadm.

The short space between the death of William and Henry's coronation⁵ is used as an argument by those that maintain the right of electing the kings was then confined to a few of the principal lords. At least, they infer from hence that the commons were not concerned in the elections. Henry had it not in his power to seize the crown by mere force. Neither can it be said to have fallen to him as next heir, for his elder brother was alive. He obtained it therefore only by election. This being granted, to say he was chosen by the nation represented, as at this day, by a parliament, it should be proved, such a parliament was then sitting. But that is impossible. Much less can it be said, that in three days space, the estates could be summoned and assembled. This is a plausible argument, but the truth is, nothing can be concluded from it, because there was yet no

Remark on this election.

⁴ And Thomas archbishop of York. M. Paris.

⁵ William died the second, or, according to some, the first of August, and Henry was crowned the fifth. M.

Paris. The person that assisted Henry mostly in getting the crown was Henry de Bello Monte, or Beaumont earl of Warwick. Malmsh. Brady.

1100. regulation made since the conquest about the succession of the crown ^f.

Henry re-
forms
abuses.
Malmsh.
Brompt.

As Henry's pretended election interrupted the natural order of the succession, it was to be feared, it would make dangerous impressions on the minds of the people. It was therefore highly necessary he should enter upon his reign in such manner as might give his subjects room to hope well of his government. The performance of his promises being the test that was to demonstrate the sincerity of his intentions, he began his reign with that, in order to gain the people's affection. He set about, in the first place, reforming his court, where the king his brother had suffered many abuses to creep in. The courtiers, for the most part, sure of impunity, were wont to tyrannize over people in a shameful manner. Not content with oppressing them by unjust and violent methods, and secretly attempting the chastity of the women, they publicly gloried in it, instead of dreading a punishment. To cure these disorders, Henry published a very severe edict against all offenders in general, but particularly against adulterers. As for those that abused their power in oppressing the people, he ordered them to be put to death without mercy. Some who were already notorious upon that account, were driven from court, and Ranulph, bishop of Durham, the detested minister of the late king, was thrown into prison ^g.

Huntingd.

Grants his
subjects a
charter.

Substance of
the charter.
M. Paris,
p. 55.

If this first proceeding of the new king gave the English a good opinion of his reign, what he added soon after was no less acceptable to them. To convince them of his real intent to perform what he had promised, he abolished the Couver-seu, which they could not but consider as a constant badge of their servitude. This favour was followed by another of much greater importance: I mean, a charter, confirming divers privileges enjoyed under the Saxon kings, and renouncing all those unjust prerogatives usurped by the two late kings. By this charter, Henry restored the church to her antient liberties, and freed her from all those oppressions she had for some time been subject to, particularly during the vacant sees and abbeys. He consented that the heirs of earls and barons upon a death, should not be obliged to redeem

^f This dispute, whether the commons had any share in the electing of the kings, seems to proceed from not considering that the barons had all the lands in their hands in those days, and that there was no such thing then as

what we call commons now, nor till some time after.

^g This was done by the advice of the great council of the kingdom. M. Paris. Sax. Ann.

their

their estates, but pay only a lawful relief^h. And at the same time he required the lords to deal in like manner with their vassals. He agreed that the nobles might marry their daughters without asking the king's consent, provided it was not to the enemies of the state. He appointed the mothers, or nearest relations, guardians to minors. He made a standard for weights and measures throughout the kingdom, and ordained that coiners should be punished with loss of limbs. In fine, having granted a general pardon for all crimes committed before his coronation, and remitted all arrears and debts due to the crown, he added a very material article, which was no less satisfactory to the Normans than English, which was, the confirmation of the laws of king Edward, that is, of the laws in force during the empire of the Saxon kings, and entirely laid aside or expressly abolished since the conquest. The native English could not but be extremely well pleased to see their ancient laws restored. And the Normans were no less gainers by it. Hitherto they held their estates at the will of the conqueror, consequently were liable to be dispossessed at his pleasure. But by this charter, which confined the royal authority within its ancient bounds, they were settled in their possessions, and screened from the violence of arbitrary power. This charter being approved and signed by the lords spiritual and temporal, several copies were transcribed and deposited in the principal monasteries to be consulted upon occasionⁱ.

This

^h When the king's tenant in capite died, his lands were in the king's hands till the heir had done homage and was of age. When the heir sued to have his estate out of the king's hands, his obtaining it was called livery, and the profits received in the mean time by the king, were called primer seisin. Now, according to sir Henry Spelman, redeeming lands was a composition with the king for primer seisin, livery and relief; for the two first of which, by Henry's charter, the heir was not to pay any thing for the future. Spelman's Feuds, &c. The relief of an earl, as set down in the laws of the conqueror, was, eight horses saddled and bridled, four helmets, four coats of mail, four shields, four spears, four swords, four chafers, and one palfrey bridled and saddled. That of a baron half as much, with a palfrey. That of a vassal to his lord, his best horse, his helmet, coat of mail, shield, spear,

sword, or in lieu of these a hundred shillings. That of the countryman, his best beast; and of him that farmed his lands, a year's rent. These were afterwards turned into money; and no doubt both money and arms were extorted in an arbitrary manner, as appears by the words of the law, LL. Gul. c. 12, c. 23, c. 24, c. 29. Robert de Belesme earl of Arandel and Shrewsbury, upon the death of his brother Hugh de Montgomery, paid for the said earldom, as a relief, three thousand pounds sterling, in the tenth of William Rufus. Ord. Vital. p. 708.

ⁱ There were as many copies as counties, which were sent to certain abbeys in each county: and yet there was scarce one to be found in the reign of king John, whose magna charta was founded upon it. There is a copy at this day in the red book of the Exchequer. And Matthew Paris (p. 55.) has

1100.

Anselm recalled.

This beginning of government gave the people room to hope a happy continuance, since they already saw so advantageous alterations. But still one thing was wanting to complete their satisfaction, namely, the recalling of Anselm archbishop of Canterbury, who had gained their esteem and affection, by his vigorous opposition to the late king's oppressions. Henry, unwilling to refuse them this pleasure, writ a letter to the archbishop, who was still at Lyons, to invite him to return to his diocese, intimating, he designed to be guided by his directions, and entrust him with the administration of affairs. Anselm, to whom this news gave wings, returned forthwith into England, to the great joy of the people.

The king marries Matilda of Scotland.

The arrival of this prelate was no less agreeable to the king. He had need of him in an affair which could not be managed without his assistance. As his design was to attach the English to his interest, he believed nothing was more capable to gain their affection, than his marrying Matilda, daughter to Malcolm, king of Scotland, by Margaret, sister to Edgar Atheling^k. Indeed this alliance could not but be very grateful to the nation, since it would be the means of restoring the Saxon royal family to the crown.

Obstacles to the marriage. Eadmer.

Henry had now demanded the princess of king Edgar, her brother, but there occurred a great obstacle to the execution of this project. Matilda had been educated in England in the monastery at Wilton, where she had put on the veil. Indeed, to remove this difficulty, it was alledged she had not taken the vow, and had been veiled only to preserve her chastity, supposed to be in danger in the beginning of the conquest. But this reason did not appear to the two kings sufficient to authorise any farther proceedings, though they were both equally desirous of the match. Every one knew, Matilda had put on the veil, and, it was generally believed, had vowed chastity. Some even affirm, she excepted against her marriage as unlawful, and add, that, when pressed at last with reasons of state, she yielded to the instances of her brother and lover, she cursed the line that was to spring from her, as abominable in the sight of God. The decision of this affair, which appeared so difficult, being left to the archbishop of Canterbury, he would not undertake it alone, but called in the assistance of a council which met at his palace at Lambeth. This assembly being entirely inclined to

M. Paris. Pol, Virg.

Eadmer. p. 57.

has given us a transcript of that which was sent into Herefordshire, which you may find translated by Glynne, p. 114. b. III, vol. II.

^k Brompton says, he did it by the advice of his great council. They were married Nov. 11.

the

the king's side, the arguments for Matilda's liberty to marry were so well managed, that the council declared the intended marriage to be good and lawful. Pursuant to this declaration, it was shortly after solemnized to the general satisfaction of both kingdoms¹. 1100.

Whilst these things were transacting, duke Robert was returned to Normandy, and had taken possession of his dominions without opposition. Though Normandy was mortgaged to the late king^m, Henry did not think fit to dispute it with his brother, at a time when he was apprehensive of being attacked himself upon the account of England. Duke Robert in his way home from the Holy-Land, made some stay in Apulia, where he married a wifeⁿ, which delay helped his brother to rob him of the crown. He was no sooner arrived, but he openly shewed his resentment at being supplanted, and a firm resolution to attempt the recovery of what he had been deprived of in his absence. The bishop M. Paris. of Durham, who, finding means to escape out of prison^o, was retired to Normandy, did not a little contribute to confirm him in his design. Moreover several Norman lords, who had consented to Henry's election, by a sort of compulsion, began to contrive how to place Robert on the throne. They had already been tampering with some of the principal English lords, to draw them into their plot. As they knew him to be a mild and good-natured prince, they promised themselves much greater happiness under his government than under Henry's, who appeared to have more vigour and resolution. Mean time, the rumour of Robert's preparing to assert his rights, wrought variously on the minds of the people. Some were for continuing firm to the king, and keeping the oath they had taken to him^p. Others, on the contrary, though satisfied with the king's proceedings, resumed their former inclination for the duke his brother; so that

1101.

Duke Robert claims the crown. Ord. Vital. Eadmer. Malmsh. W. Gemet.

M. Paris.

Malmsh.

¹ M. Paris his account of Matilda's being against marrying and declaring herself a nun, and cursing her issue seems to be groundless. For Eadmer says, she privately applied to Anselm, confessing she had been veiled indeed, but against her will, and had never worn her veil unless in the presence of the abbess Christina her aunt; and also that the king her father seeing it once on her head, pulled it off, and tore it, protesting to Alan earl of Bretagne, he intended to marry her, and not to make her a nun. Eadmer, p. 56.

^m It was only for three years.

ⁿ Sibilla daughter to Geoffrey, and sister to William earl of Conversana, a prince of Italy; with whom he had a fine fortune. Malmsh.

^o By bribing his keepers, M. Paris. They brought him a rope in a pitcher of water, by which he let himself down. Malmsh.

^p The chief of those that remained faithful to Henry, were Robert Fitzhamon, Richard de Redvers, Roger Bigot, Robert earl of Meilant, with his brother Henry. Malmsh. p. 156.

1101.

Admir.

Henry was under great perplexity. If he was loth to trust to the fidelity of the English, they were no less so to rely on his sincerity. What they had experienced from the two late kings, gave them but too much reason to dread, that whatever the present king had hitherto done, was only to amuse them and prevent their siding with his brother. In this state of uncertainty, Anselm's assistance was of great use to Henry in fixing the English, who seemed to be wavering. The archbishop, who was indebted to the king, was very glad to shew his gratitude on this occasion. He assembled the principal English and Norman lords, and so positively assured them, the king would punctually perform all his promises, that they seemed very well satisfied. And yet, no sooner was it known that the duke of Normandy was going to embark for England, but the greatest part of the nobles declared for him, and part of the fleet ^a followed their example.

Sax. Ann.

This defection gave the duke opportunity to land at Portsmouth^r, where he was received without opposition. He was not ignorant how the English stood affected. Such as came to him every day, assured him of the good wishes of their countrymen. They made him hope, the king would quickly be deserted by the whole nation, who looked upon their oath of allegiance as involuntary. Mean time, Henry took all the measures he thought requisite to frustrate the designs of his brother, by making use of Anselm's credit, in whom the people seemed very much to confide. As soon as the army was ready to march, the archbishop called the principal officers together, to whom he so sensibly represented the heinousness of breaking their oath, that he confirmed them in their duty; so that they unanimously promised to hazard their lives and fortunes in defence of the king. Robert, who expected the contrary, plainly saw this change would prove very prejudicial to his affairs. He relied not on his own forces, but on the assistance of the English. In expectation that the majority would abandon the king and join him, he had proceeded so far as to threaten such as persisted to support the usurper, as he styled his brother. But when he found the bulk of the nation declared for the king, and the army had renewed their oath of allegiance, he perceived the execution of his design was impracticable. Thus, fall-

Robert
strikes up a
peace with
his brother.

^a Which Henry had fitted out upon news of Robert's preparations. S. Dunelm. Sax. Ann.

^r In August: he was convoyed thither by that part of Henry's fleet which

had revolted. From Portsmouth, Robert immediately marched towards Winchester, and encamped near that city. S. Dunelm.

ing on a sudden from all his hopes, he closed immediately with the proposals of peace sent him by the king. An accommodation appeared to him so much the more necessary, as he saw the most zealous for him at first, began to waver. Matters standing thus, and the two brothers equally wishing to come to a treaty, the lords of both parties met together to consider of the means. It was easy to see, Robert did not expect to obtain by treaty a crown, which he could not acquire by arms. So, in consideration that Henry was already crowned, and born in the kingdom after his father was on the throne, the result of the conference was, that he should keep possession of the crown. He promised for his part to resign to Robert the castles in Normandy garrisoned with English, and to pay him the yearly sum of three thousand marks. It was stipulated also, that if one of the brothers died without children, the other should succeed him. This agreement being signed and sworn to by twelve lords of each side, the armies were disbanded *. Robert staid two months at the court of England, living in perfect union with his brother.

1101.

Sax. Ann.
Mat. Paris.

This accommodation was very advantageous to the king in many respects. It not only secured him the crown which he was in some danger of losing, but rendered him also more feared and esteemed, when it was seen that by his prudence and steadiness, he got clear of so dangerous an affair. However, he could not forget the peril he had been in. As he was apprehensive his enemies might hereafter make fresh attempts to dethrone him, whenever an opportunity offered, he resolved to prevent them, by ruining them one after another. It was no hard matter for him to make them feel, by turns, the effects of his resentment. Opportunities of being revenged are seldom wanting to those who have the power in their hands. Soon after the treaty, he attacked, on divers pretences, Hugh de Grantmesnil, Robert de Pontfract, and some others, who easily perceived, their greatest crime consisted in their good will to the duke of Normandy. He was particularly exasperated with Robert de Belesme, because he had shown him the least respect, and still continued to discover his desire of exciting new troubles. This young lord, son to the late earl of Montgomery, publicly declared, Henry was an usurper, and that it was dishonourable for the Normans, as well as the English, to suffer him

1102.

Ord. Vital.
Brady.Henry re-
venges him-
self on his
enemics.He attacks
Robert de
Belesme,

* Robert sent part of his army back into Normandy, and kept the rest with him, which committed great ravages

whilst they staid in England. S. Du-
nelm. Sax. Ann.

1102.



who retires
to Shrews-
bury.
Ord. Vital.
S. Dunelm.
Sax. Ann.

to take the crown from his elder brother. He was not satisfied with talking thus indiscreetly, but rendered himself formidable, by storing and fortifying his castles in Shropshire^t. The king, who had determined his ruin, was glad he gave him so fair an opportunity by these imprudent proceedings. To complete his destruction, spies were set upon him, who, feigning to come into his measures, observed all his actions, and took care to talk to him, before suborned witnesses, of things that served to render him criminal. When the king thought he had sufficient evidence against him, he ordered him to be accused of five and forty articles, the least of which was enough to condemn him. Belesme being obliged to appear in court, desired time to prepare his answer, which being granted, he took the opportunity to make his escape and retire to Shrewsbury, where he hoped to defend himself by the assistance of the Welsh, who espoused his cause. When he took this resolution, he relied on the assistance of several other lords, who seemed to be entirely in his sentiments. But whether he was deceived, or not deemed a fit person to be head of such an enterprise, he found himself abandoned by all, and thereby saw, though too late, the vanity of his projects. The king proclaiming him a traitor, marched against him with so superior a force, that in few days he became master of Shrewsbury, where the rebel did not dare to expect him^u. After which, he took all his other castles, and compelled him to relinquish whatever was held by the earl his father in England, and retire to Normandy, where he carried his ill temper. Henry confiscated all his lands, and involved his brothers in the same punishment, notwithstanding their innocency, so desirous was he of expelling this family out of his dominions^w.

He goes into
Normandy.
His estates
are confisca-
ted.

1103.

Contest be-
tween the
king and
Anselm
about invest-
itures.

The insolence of this lord did not give the king so much trouble, as the haughtiness of archbishop Anselm, with whom he had a contest that threw him into great perplexities. The archbishop had conceived two projects, which could

^t Those of Shrewsbury and Bridgnorth, as also those of Tikhill in Yorkshire, and Arundell in Sussex. Ord. Vital.

^u The king went first and besieged Arundell castle in Sussex, which (being blocked up by several forts about it) surrendered with the earl's leave. From hence the king marched to Bridgnorth, and spent three weeks before it, and at last took the castle by bribing the Welsh. After this, the king demanded Shrews-

bury of Robert de Nevil, and Ulger de Venables (placed there as governors by the earl) and threatened, if it were not delivered up in three days, he would hang all he should take therein. Upon which they treated with the king, and the keys of the castle were sent to him, by Ralph, abbot of Seys, afterwards archbishop of Canterbury. Ord. Vital.


^w This earl had a vast estate in Normandy. His brothers were Arnulph and Roger of Poitou.


not,

not, in all likelihood, be accomplished without great difficulties. The first was to oblige the clergy to live unmarried, and the second, to wrest from the king the investiture of bishops and abbots. To attain his ends, he convened a ^{Eadmer.} synod, where, in the first place, he caused all the married priests to be excommunicated, though they were then very numerous in England. Henry, who was not much concerned in this affair, being unwilling to give the archbishop any distaste, the decree passed in the synod, notwithstanding the strong opposition of the inferior clergy, who in vain tried to ward off this blow. An historian remarks, that, ^{Huntingd. M. Paris.} although Anselm's good intentions were generally applauded, it was thought to be a thing of dangerous consequence, to compel the priests to a continency, of which many of them were not capable, and adds, it was justly feared, this rigour would occasion their committing uncleanness of a more criminal nature than the prohibited marriage.

Anselm, seeing his first project succeed, undertook the execution of the second, and would have proceeded to excommunicate the bishops invested by the king. But here the case was quite altered. The king was too much concerned, not to oppose to the utmost of his power the abolishing a prerogative his predecessors had quietly enjoyed. But how vigorously soever he exerted himself, he could not prevent some bishops who had received their investitures from him, from resigning their bishopricks out of fear of excommunication. On the other hand, Anselm refused to consecrate such as were nominated to their sees by the king, unless he would give up the right of investiture. This new claim, which the archbishop, finding himself supported by the court of Rome, very boldly asserted, occasioned a many years quarrel between him and the king. As Henry would not depart from his prerogative, Anselm pretended he could not submit without betraying the cause of God. All hopes of accommodation being destroyed by the obstinacy of both parties *, the archbishop resolved to carry his complaints to Paschal II, who was then pope. In all appearance, it was by his orders that he embarked in this enterprise. He was attended in his journey by the prelates that had resigned their bishopricks, and upon his arrival at Rome, instantly demanded of the pope that he would be pleased to restore them by his authority: then, says an historian, the holy ^{Anselm applies to the pope. M. Paris.} M. Paris,

* This matter seems to have been debated in a great council of the nation, See Eadmer.

1103.  see, whose clemency is open to all the world, provided care be taken to prepare it beforehand by a certain dazzling metal, restored the bishops, and sent them back to their respective churches. The king being informed that Anselm was gone to Rome, sent also three agents to plead his cause, namely, Gerard, archbishop elect of York, Herbert bishop of Thetford, and Robert bishop of Chester, with William de Warelwast, an ecclesiastick of great learning, to assist them with his advice ¹. Though these agents maintained the king's cause with great zeal and resolution, Paschal would abate nothing of his pretensions. The affair was carried so far, that the king was going to be excommunicated. On the other hand, the archbishop was deprived of his temporalities, during his absence from the kingdom. At length, after many contests for near three years together, the king and pope happening to be in such circumstances, as made them equally wish to see an end of the quarrel, the pope permitted the bishops to do homage to the king, and Henry gave up the right of investiture. Thus ended this affair, which I have but just mentioned here, intending to treat more fully of it in another place.

1104.  Though the king's contest with the court of Rome gave him a great deal of trouble whilst it lasted, it did not hinder him from minding his other affairs. Robert, his brother, who was then in England, found by experience how attentive this monarch was to whatever might turn to his advantage. The reason of the duke of Normandy's visit, was to press the payment of his pension. But Henry, knowing his brother's mild and generous temper, caressed him in such manner, and gave him so good words, that he insensibly drew him in to desist from his demands ². This unreasonable generosity cost the imprudent duke very dear, since it proved in the end the occasion of his ruin. His easy and liberal temper had always spoiled his designs. We have already seen, in the beginning of the reign of William Rufus, how ill he consumed the money lent him by Henry, instead of employing it in keeping up his party in England, by which indiscreet management he lost the crown for that time. Afterwards, he borrowed ten thousands marks of king William for his voyage to the Holy Land. This sum not sufficing to defray the great expence he was at, he con-

Robert visits
the king his
brother.

Sax. Ann.
Malmsh.

Gives up his
pension.

¹ Rapin, who calls these agents, ambassadors, has named them wrong, following some modern historians; and therefore the names are here inserted

as they stand in Eadmer, p. 63.

² It was the queen that prevailed upon him to desist from it.

tracted so many debts during the voyage, and after his return, that he was forced to mortgage almost all his demesnes. He had nothing left but the city of Roan, which he would have also mortgaged, if the burghers would have given their consent. His wants, which daily increased, soon made him sensible of his oversight in not insisting upon the pension, he might justly demand of his brother. He complained, his easy nature was abused, and adding to his complaints some imprudent menaces, gave Henry a pretence openly to act against him. The king did not want much soliciting to break entirely with his brother. Ever since he found himself in peaceable possession of England, he began to cast a greedy eye on Normandy, and was extremely desirous of annexing it to his crown. Robert's ill conduct strengthened his hopes of being one day master of that dukedom. And as he waited only for a favourable opportunity to execute this design, he did not fail to embrace the first that offered.

1104.

W. Gemet.

Repents of it, and complains of the king.

It has been related, that Robert de Belesme, after the loss of his estates in England, retired into Normandy. He was no sooner arrived there, but he endeavoured to be revenged on the king, by fiercely falling upon such of his subjects as had lands in that country ^a, under a pretence of making himself amends for what the king had taken from him in England. The duke's indolence, who neglected to oppose these outrages at first, rendered this lord the more fierce and presumptuous. He committed so many violences, that complaints were brought against him from every quarter. At length Robert, roused by the people's murmurs, resolved to chastise him, and levied an army to put a stop to these disorders, but had the misfortune to be defeated ^b. The rebel, exalted with this success, carrying his boldness and ambition still farther, formed a project of becoming master of the whole dukedom. Whilst he was pursuing this design, he saw himself strengthened with the assistance of another male-content lord, namely, William, earl of Mortagne, son of duke Robert, the eldest of William the conqueror's half brothers. This lord not being satisfied with the earldom of Cornwall, pretended, the king ought to give him also the earldom of Kent, which his uncle, the bishop of Bayeux, had enjoyed. But meeting with an unexpected denial, he

Belesme raises troubles in Normandy. Ord. Vital.

Defeats the duke, and aspires to the dukedom.

He is joined by the duke of Mortagne, of Malmsh.

^a He burnt many towns and churches, with the people that had fled to them for safety, and the abbey of Almansica. Ord. Vitalis.

^b At Hefmes. After which Ro-

bert de Belesme took the fortress of Hefmes and Gontel castle, and many other garrisons round about, and the neighbouring territories submitted to him. Ord. Vital.

1104. fell into so great a fury with the king, as even to threaten him. His insolent behaviour caused the king to dispossess him of the earldom of Cornwall, as a punishment for his rashness. Whereupon he retired, in great discontent, into Normandy. As soon as he arrived, he joined Robert de Belesme, and strengthened his party in such a manner, that the duke was obliged to conclude a peace with them on terms very dishonourable to a sovereign prince.

who makes
peace with
him.
Ord. Vital.
p. 812.

1105. This peace, instead of restoring tranquillity to the country, served only to increase the insolence of the two earls, who contemning the duke's orders, continued daily to commit ravages insupportable to the nobles and people. At length, some of the chief men of the country finding themselves thus oppressed by these two tyrants, without any hopes of protection from the duke, resolved to apply to the king of England for relief. Their suit was very welcome to Henry, who only wanted a pretence to interpose in the affairs of Normandy; in order to have an opportunity of seizing the dutchy. But as this design was in itself very odious, he endeavoured to give it a colour of justice, by pretending to act from quite another motive. To this purpose, he writ a letter to his brother, representing to him, that his conduct gave the Normans just cause of complaint, since he protected persons who ought to be deemed enemies to the publick: that the peace he had made with them, leaving the country exposed to their ravages, his subjects could no longer consider, as their sovereign, a prince from whom they could expect no protection: that he entreated him therefore to redress the grievances complained of by the Normans, or not think it strange, that, upon his neglect, he should himself espouse the cause of those that applied to him. To these remonstrances, he added complaints of certain injuries, which he pretended to have suffered himself, and demanded speedy satisfaction. He would doubtless have taken it very ill, if the duke had thus meddled with his affairs. But such is the unreasonableness of most men, that they practise without scruple what they condemn in others, and fancy the world is so blind as not to see the injustice of their actions, because they are artfully covered with the cloak of charity.

Henry seeks
a quarrel
with his
brother, to
take Nor-
mandy from
him.

Henry levies
an army in
England,
Ord. Vital.
Edmer.

Whilst Henry feigned to have no other design but to relieve the distressed Normans, he himself oppressed his own subjects by an exorbitant tax. He pretended to be forced to go and wage war with the two tyrants of Normandy, a war wherein the English however were wholly unconcerned. Notwithstanding all his promises to the people, this tax was
levied

levied with all imaginable rigour, even to the imprisoning and plaguing, various ways, such as refused, or had not wherewithal to pay it.^c As soon as his preparations were finished, he passed into Normandy with a numerous army, carrying with him large sums of money, with which he bribed the nobles and governors of the castles. He could the better do this, as Robert was not in condition to obstruct his designs, or secure the allegiance of his subjects by the same method. The present posture of affairs favouring the king more than at any other time, he seized upon Caen and some other cities. The duke of Bretagne, and the earl of Anjou, even permitted him to garrison some of their frontier towns, for fear of drawing upon themselves the burden of the war, designed against Robert. On the other hand, they that had invited him to their assistance, plainly foreseeing, if the quarrel was made up, it must be to their prejudice, never ceased exhorting him to push his conquests, and make himself master of all Normandy. They represented to him, it was the only way to ease them of the oppressions they lay under, since they could expect no assistance from their sovereign. The bishop of Seez, sworn enemy of the two earls, who had turned him out of his diocese, blew up the flame to the utmost of his power, and lost no opportunity to excite Henry to pursue his undertaking. One day, as he was with him in the church of Carenton, he caused him to observe how full the church was of goods, brought thither by the people, to secure them from the plundering tyrants. This afforded him a pretence to make a long speech, representing to the king that the rise of all their miseries was owing to the carelessness or connivance of the duke; adding, that the country would never be restored to its former tranquillity, till they had another master. In fine, he conjured the king to take upon him the government, and free the Normans, the ancient subjects of his family, from the wretched state they were reduced to. Henry, who only wanted a cloak for his injustice, listened very attentively to this speech, and pretended to be touched with compassion for the Normans, promised to exert his utmost to procure the relief they expected at his hands. However, he expressed an extreme

1105.

and passes
over into
Normandy,
where he
makes great
progress.

Ord. Vitalis.
P. 815.

Malmsh.

^c He first took Bayeux, and burnt it almost to the ground, at which the inhabitants of other places, particularly those of Caen, were so frightened, that when Henry marched against them, they yielded to him, and expelled their

governor: for which good service he bestowed on four of the chief citizens of Caen, the manor of Dallington in Suffex, worth eighty pounds per annum rent. Ord. Vital.

1105. concern that he was forced to deprive his brother of his dominions, who, by his incapacity, was running headlong into destruction. Pursuant to this resolution, which he pretended to take purely out of necessity, and in compliance to the entreaties of the Normans, he continued the war. Robert made but a weak defence, for, not suspecting the king's designs, he had no time to prepare. Wherefore Henry, having put his affairs upon so good a foot, in this first campaign, returned to England, with intent to raise, during the winter, the money and forces he wanted, to finish the work so happily begun.

Sax. Ann.
Eadmer.

1106. The duke of Normandy was then in a very deplorable condition. He perceived, at length, his ruin was determined, but knew not how to prevent it. In this perplexity, he resolved to repair to the king his brother, and try to move him by his submissions. As he was himself of a kind and generous disposition, he could not believe but the king was so too. Possessed with this notion, he came to England, and sued for peace, in a manner suitable to his condition, but unbecoming the son of William the conqueror. Henry, who was not of so easy a nature, was deaf to all his entreaties. He bethought himself of improving the present juncture, to become master of Normandy. Accordingly, nothing could bring him to an accommodation, which would have very much lessened his pretensions. For that reason, he obstinately refused to enter into any negotiation, and thought he dealt very kindly by his brother, in permitting him to return. Robert, despairing to prevail, departed, full of rage and vexation, and uttering great threats, which Henry little regarded. An historian assures us, however, the king felt some remorse for the injury he was doing his brother, who had never given him any just cause of complaint, and from whom he had already taken a crown. But if he had any such reflections, they were very short lived ^d. The only effect they produced, was to inspire him with a dread, that his brother's wrongs would move the compassion of the English, and revive the affection they had formerly shown for that prince. This thought giving him some uneasiness, he judged it necessary to prepossess his subjects in his favour, by renewing his promises. To that end, he convened the great council, or parliament, and endeavoured, in a studied speech, to demonstrate the justice of his under-

Robert sues
for peace,
M. Paris.
Ord. Vitalis.
Sax. Ann.
Fl. Wor.

but cannot
obtain it.

Malmsh.
M. Paris.

M. Paris.

^d The pope helped to disperse them, civil war, but a very great advantage to satisfying him that it would not be a the country. Malmsh.

taking.

king. He represented to them, "That Robert's refusal of the kingdom of Jerusalem, had drawn down on his head the vengeance of God, by whom, ever since that time, he had been visibly forsaken, as a prince unworthy of his care, after despising so great a favour". He aggravated the oppressions the Normans groaned under, and strove to make the English believe, it was incumbent on them to take in hand the defence of a miserable people. He desired the lords to consider his own peaceable temper, and how patiently he had taken his brother's menaces, to which he had made no other return, but brotherly and gentle admonitions. He enlarged upon the duke's ill qualities. He displayed his excessive profuseness, which made him a continual burden to all the world. Moreover, he accused him of extreme arrogance, and of showing, on all occasions, an utter contempt for the English nation. He assured them, for his part, he still persisted in his resolution to govern by just laws, of which the charter he had granted, was an undeniable argument. In fine, he added, provided he was sure of the hearts and affection of the English, he valued not any thing his enemies could do against him." This speech had the effect he expected. All the lords thinking themselves honoured by the confidence he placed in them, and flattering themselves, that he would perform his promises, unanimously declared they would live and die in his service.

The English promise to serve the king against his brother.

What colour soever the king might give his ambition, it was easy to discover the weakness of the reasons alledged in vindication of his undertaking. The truth is, these reasons were not so much as plausible. The pretended refusal of the crown of Jerusalem, had no better foundation than an uncertain rumour spread in England, which, in all likelihood, was false, for the best historians make no mention of it. But supposing the thing had been as true as it was doubtful, Robert possibly might have refused the crown out of modesty, as well as from a principle of pride or irreligion. But be this as it will, Henry could have no right from thence to deprive him of his dominions. It is evident, therefore, the sole motive that engaged the English lords to assure him of their assistance, was his solemn promise to see his charter observed, which had been hitherto very much neglected.

Remark on the king's speech.

* Hence it is plain, it was believed in England, that Robert had refused the crown of Jerusalem; otherwise

Henry could not have urged it against his brother, Rapis.

1106.

Henry re-
turns to
Normandy.
Sax. Ann.
Vital.
Flor. Wig.
W. Gemet.

Henry made use of the declaration of the English in his favour, to obtain a grant of fresh supplies, by means of which he made a considerable addition to his troops. As soon as the season permitted, he crossed the sea with a numerous fleet ^f, in order to complete the conquest of Normandy. He opened the campaign with the siege of Tinchebray, where the earl of Mortagne, who had sided with the duke, had thrown in a strong reinforcement. As this place was of great strength, and well provided with necessaries, it held out long enough for Robert to come to its relief. Ever since the duke parted from the king his brother, without being able to prevail with him, he had joined with the earl of Mortagne and Robert de Belesme, who had led all their forces to his assistance. The king of France had also sent him some troops, and several Norman lords ^g came to him with considerable bodies, as soon as they perceived Henry was not acting for them, but for himself. All these succours enabling the duke to give his brother battle, he marched towards him with that resolution. The two armies were almost equal in number. Robert had more foot, but not so many horse as the king. So, each side might flatter themselves with hopes of success. However, the battle, which was fought under the walls of Tinchebray, did not last long. The Norman horse being put in disorder at the first onset, and the foot not being able to maintain the fight without their aid, the whole army was entirely routed, and the English had nothing to do but to kill or take prisoners. The duke of Normandy perceiving there was no possibility of rallying his troops, and resolving not to turn his back, chose rather to be taken, than show the least signs of cowardice. Edgar Atheling, the earl of Mortagne ^h, four hundred knights, and ten thousand soldiers, had the same fate. As the battle of Hastings made the Normans masters of England, so this, which was fought forty years after, put the English in possession of Normandy. Prince Edgar, who had often been the sport of fortune, was immediately released, and went and passed the residue of his days in England, where he died of extreme old age. The duke of Normandy and earl of Mortagne were not so favourably treated. The earl was

Battle of
Tinchebray,
where Ro-
bert is taken
prisoner.

Malmfb.
Sax. Ann.

^f And the principal nobility of the kingdom. Ord. Vitalis.

^g Particularly Robert de Stuteville, and William de Ferrars. King Henry had on his side William, earl of Evreux, Robert, earl of Mellent, Wil-

liam, earl of Warren, earl of Maine, &c. Ord. Vitalis.

^h And of Norman barons, William Crispin, William de Ferrars, Robert de Stuteville, senior. Eadmer.

shut up in the tower of London, and the duke in Cardiff castle in Wales, where he remained a prisoner to his death, which happened not till twenty-six years after. Some say, this unfortunate prince attempting to make an escape, Henry ordered his sight to be taken away, by applying a burning hot brass basin to his eyes. But the silence of the best historians renders this fact something improbable. I do not pretend to excuse the hard-heartedness of the king, who ought to have remembered Robert's generosity to him, during the siege of mount St. Michael, though he had forgot he was his brother. In vain does an historian endeavour to justify him, by observing Robert never loved him during their younger years, and had done him many injuries. Such a reason will scarce serve the purpose, for which it is alledged by that author.

The victory of Tinchebray having acquired the king the possession of all Normandy, he returned in triumph to England. Upon his arrival, his first care was to make some regulations for his court, where several abuses had long since crept in, which called for reformation. In the former reign, when the king took a progress, those who followed the court, committed all manner of outrages in the places where they lodged. They shamefully extorted what they pleased from their hosts, and attempted the chastity of the women, without any restraint¹. Coiners of false money were grown very numerous and bare faced, being secure of the protection of the great, who set them at work in their houses, where no body dared to search for them. These disorders not ceasing upon the king's edict in the beginning of his reign, he published a second with still greater penalties. Severity was necessary to check the license that was introduced into the kingdom, by the connivance that offences of this nature had hitherto met with².

Before the war in Normandy, Henry had positively assured his subjects, he would govern according to equity, and maintain them in their privileges. But prosperity made him forget his promises. Immediately after his return, he was

1106.

and shut up
in Cardiff
castle.Mezerai.
M. Paris.

Malmsh.

Henry be-
comes mas-
ter of all
Normandy,
M. Paris.
Eadmer.
Malmsh.

1107.

1108.

He becomes
more haugh-
ty towards
his subjects.

¹ In the king's progress his attendants plundered every thing that came in their way, so that the country was laid waste where the king travelled. For which cause, people, when they knew of the king's coming, left their houses, carrying away what provisions they could, and sheltering themselves in the woods and by-places. The king

ordered, that whoever spoiled any goods of those that entertained them, or abused their persons, should, if proved, have their eyes put out, or their hands and feet cut off.

² Counterfeiters of money were punished with loss of eyes and genitals. Eadmer.

1108.



observed to be grown more haughty, and less popular than before. He treated the nobles with an intolerable arrogance, even to the using, when speaking to them, very offensive language. Besides he little regarded his own charter, nor corrected any abuses that turned to his profit. Anselm was the only person he showed any regard for. The trouble that prelate had given him, made him look upon all occasions of quarrelling with him as so many dangerous quicksands, which he was resolved to avoid. But his precautions served only to render Anselm more imperious than before the contest. The archbishop, perceiving the king, for fear of being engaged in fresh disputes, refrained from meddling with ecclesiastical affairs, took the opportunity to prosecute, with the utmost rigour, the priests who obstinately persisted in keeping their wives. His disgrace and long absence made them hope, they should at length be freed from his persecutions. But he quickly let them see, that, when once he begun an affair, he never left it unfinished. Some time after his return, he called a synod¹, where, at his instance, severe penalties were decreed against all clergymen who lived in the state of matrimony. There were even some that were deprived of their livings. But so far was this rigour from having any good effect, that it only proved the occasion of the clergy's committing real crimes, in order to avoid the pretended excess they were engaged in before.

Eadmer.

Anselm per-
secutes the
married
priests.

S. Dunelm.
Eadmer.

The king of
France has a
design upon
Henry.
Eadmer.
Ord. Villal.
Huntingd.
Malmsb.

The king did not much concern himself in this regulation of the synod. It was indifferent to him, whether the clergy married or lived single. And therefore he left the archbishop to act as he pleased, without interposing in an affair that concerned him not. He was going to have another upon his hands more worthy his regard. Lewis the gross, king of France, who had succeeded his father Philip, looking upon Henry, since his acquisition of Normandy, as a very formidable neighbour, was seeking means to humble his overgrown power. To execute this project, he designed to make use of William, surnamed Crito, son of Robert, a young prince of great hopes, but under age. How careful soever he was to conceal his designs, Henry had notice of them, and passed suddenly into Normandy, where he ordered his nephew to be taken into custody, to prevent any insurrection upon his account. Lewis, perceiving his design had taken air, deferred the execution of it to a better opportunity. Mean time, the young prince having made his es-

¹ Or rather a great council at London. Eadmer.

escape, by the help of his tutor, was carried to Paris, and other courts, where he in vain solicited for assistance to recover his father's dominions. The neighbouring princes stood too much in awe of Henry to engage in such an undertaking. As for the Normans, though many of them were well inclined to the son of their sovereign, and several even contributed privately towards his maintenance, they durst not openly declare in his favour.

Henry having spent the winter and part of the summer in Normandy, returned to England, where soon after ambassadors came to him from the emperor Henry IV, to demand his daughter Matilda in marriage. He very joyfully received the proposal, and as soon as the articles were agreed upon, the wedding was celebrated by proxy. But as the princess was very young, she continued in England till the year following, when she was sent to the emperor her spouse with a magnificent retinue, and a very considerable sum for her dower.

His daughter's marriage furnished the king with a pretence to lay a tax of three shillings on every hide of land. This tax brought him in an immense sum, if it be true, as some pretend to calculate it, that it was equal to 824,850*l.* of our present money. The custom of raising money for the marriage of the king's eldest daughter was introduced by this prince, and very duly practised by his successors, who found it too beneficial to suffer it to be lost ^a. Hence may be seen how prejudicial to a free people such innovations are, that become as a law by one single precedent.

Before the marriage was solemnized, death took out of the world Anselm archbishop of Canterbury, a learned prelate for that age, but haughty and bigotted to the last degree. It is very reasonable to suppose that his zeal for the court of Rome, his firmness in the affair of investitures, and his constant endeavours to establish the celibacy of the clergy in England, entitled him to a place in the calendar. As soon as Anselm was laid in his grave, the king seized the revenues of the archbishoprick, and kept them in his hands for five years. The clergy were in hopes, the persecution they had suffered, during his life, would end with Anselm's death, but the court of Rome was no less zealous to support what the archbishop had done solely by its orders. Besides, the

^a This was one of the ancient aids due to the king from all his tenants; and was practised in Normandy, and also in Naples, where the Normans

settled. It was no otherwise introduced by Henry I. but as he happened to be the first Norman king that married his eldest daughter,

Matilda, Henry's daughter, married to the emperor Henry IV. Huntingd. M. Paris.

Money raised to pay her portion. Brompt. Brady, p. 270.

Anselm's death. Eadmer. Sax. Ann.

The king takes care to make the priests observe celibacy. Eadmer.

1109.



king, who was very unwilling to break with the pope, strictly enjoined the execution of what was established. So the clergy were obliged to observe a seeming continency, by being debarred from marrying. But they privately made themselves amends for this restraint, in the commission of the most enormous crimes. At least, this is what the authors of that age make no scruple to lay to their charge.

1110.

Restoration
of learning at
Cambridge.
Echard.
P. Blefensis.

The year 1110 was memorable for the revival of learning at Cambridgeⁿ, from whence it had been long banished. According to the general opinion, Edward the elder had formerly founded an university there. But the town had suffered so much by the Danish wars, that learning fell to decay, and never flourished again till the time we are speaking of.

1111.

Henry puts
the earl of
Maine to
death.
Malmsb.
Huntingd.
Fl. Wig.

The following year Henry crossed the sea, to stop the progress of Fulk earl of Anjou, who had caused the city of Constance in Normandy to revolt. Elias, earl of Maine, having espoused the interest of Fulk, and being taken prisoner in a battle, was put to death^o. Henry thought this instance of severity necessary to strike a dread into the Normans, of whose revolt he was apprehensive, well knowing, France would be ready to protect them.

1112.

Henry settles
a colony
of Flemings
in Wales.
Malmsb.
Brompt.

Before the king went to Normandy, he admitted into England great numbers of Flemings, who by the inundation of the sea in their own country, were compelled to seek for new habitations. He planted them first in the waste parts of Yorkshire^r. But upon the complaints made to him after his return, he removed them to the country conquered from the Welsh, about Ros and Pembroke. Their posterity continue there to this day, retaining so much of their old customs and language, as distinguishes them plainly from the Welsh, and shows they are of foreign extraction.

1113.



Henry had not time to make a long stay in England^s. The year after, he was obliged to pass into Normandy, where

ⁿ Or rather first institution. Petr. Blefensis.

^o He being put to death in 1110, Fulk earl of Anjou, who had married Elias's only daughter, seized upon the earldom, and refused to do Henry homage for it. Huntingd. Brompt.

^p Many of them flocked over in the reign of king William his father, and also lately in his own; as they came in very great swarms, they became a burden to the nation: whereupon Henry at first planted them in the

waste parts of Northumberland, and afterwards removed them into Wales in the year 1111. What drew them over here, was that queen Maud, Henry's mother, was daughter to Baldwin V. earl of Flanders. The Flemings-way, a work of theirs, is to be seen in Pembrokeshire, extending thro' a long tract of land. Malmsb. Flor. Wig. Camden.

^q It does not appear he was in England from August 1111, to July 1113. See Sax. Ann.

the king of France had kindled a fresh war, by persuading the earl of Anjou to take up arms again. This war gave him some trouble, but he happily surmounted all difficulties. Lewis had even the mortification to see the earl of Anjou desert him, who, by that defection, reaped the advantage of marrying his daughter to prince William, son of king Henry. During the king's stay in Normandy, he had the satisfaction of having his most inveterate enemy Robert de Belesme fall into his hands, who was sent into England, and kept prisoner all his life*. These troubles being over, Henry returned to England, where he lived in peace the five following years, without any disturbance, except from the Welsh, who now and then made some incursions.

1113.

He goes again into Normandy, and marries his daughter to the earl of Anjou. Ord. Vital. Malmsh.

During this calm, the pope and clergy at last prevailed upon him to permit the vacancies in the church to be filled, particularly the see of Canterbury, the revenues of which he had now enjoyed five years. As soon as he had given his consent, a synod was convened, where Ralph bishop of Rochester was unanimously chosen archbishop, to the great satisfaction of the people, by whom he was very much esteemed. Thurstan one of the king's chaplains, was nominated to the see of York. At the same time all the other vacancies were filled, but with such partiality to the Normans, as gave the English just cause to complain.

1114.

He fills up the vacancies in the church. Sax. Ann. Eadmer.

The Welsh growing more and more troublesome on the borders, Henry determined not to chastise them only, but root them out entirely. To execute this barbarous resolution, he entered Wales with a numerous army, divided into three bodies, in order to surround them on all sides. But upon his approach, they having retired to their mountains, it was not possible for him to attack them. However he kept them long invested, but at last finding there was no drawing them from their retreat, consented to make peace. At his return to London, he received news of the consummation of his daughter Matilda's marriage, and her coronation at Mentz.

Henry invades the Welsh. Sax. Ann. Malmsh.

Brompt. S. Dunelm.

Shortly after, Henry passed once more into Normandy, where he caused the states to swear fealty to prince William his son, who was then twelve years of age. The next year, he took the same precaution with regard to England in order to secure the crown in his family. To this end he summoned a general assembly at Salisbury, where all that were pre-

1115.

The Normans take the oath to prince William. Sax. Ann. Malmsh. and likewise the English.

* In the castle of Warham. Sax. Ann. session of his bishops and great men, p. 110.

• Eadmer says, he did it by the per-

1115. sent promised to acknowledge prince William for their sovereign, after the death of the king his father, and took their oath to him. From this assembly, some pretend to date the original of the right of the commons sitting in parliament. 1116. They maintain, that, in imitation of what was practised in Normandy, Henry summoned the commons as well as the nobility and clergy, and that this was the first time the representatives of the people were admitted to sit in parliament. Others affirm, the general assemblies of the nation had been difused before this. In fine, there are who assure us, this assembly was the first that was styled a parliament. Of these three opinions the first can never be proved, the second is evidently false, and the third very uncertain.

1117. Ever since Lewis the gross came to the crown of France, he had never ceased to disturb Henry, either by countenancing the malecontents in Normandy, or stirring up the neighbouring princes against him. Though he generally took care to act underhand, yet Henry was not ignorant that he was the sole support of all these little troublesome enemies, and therefore to be even with him, undertook to combat him in his own way. Theobald, earl of Blois, his nephew, son to his sister Adela, being displeased with the king of France, Henry excites him to revenge, and, persuading him to take up arms, lends him a powerful aid. Lewis, on his part, invested William Crito, son of Robert, with the duchy of Normandy, promising to assist him with all his forces to take possession. Supported by France, and Baldwin earl of Flanders, the young prince attempted to wrest Normandy from the king his uncle. Lewis did not now proceed underhand, but openly. He claimed, as sovereign lord of Normandy, a right to dispose of that duchy, and especially in favour of the only son of duke Robert, unjustly detained in prison. His army being reinforced by a considerable body of troops, brought him by the earl of Flanders, he entered Normandy with design to put William in possession.

As soon as Henry was informed of his enemies project, he made great preparations for the war, of which the English were obliged to bear the whole charge. When all was

t Malmibury says, " All the free-men of England and Normandy, of whatsoever order or dignity, or to what lord soever they were vassals or tenants, were made to do homage, and swear fealty to William, son of king Henry and queen Matilda."

But this is nothing like a parliament. Polydore Virgil, and from him Stow and Speed's chronicle, commence the beginning of our parliaments from this assembly, but without citing the least authority for it.

ready,

ready, he crossed the sea ¹, and, joining forces with the duke of Bretagne and earl of Blois, he advanced towards the enemies to give them battle. But Lewis, not thinking proper to expect him, chose to retire, covered with confusion at his own ill measures, and the ruin of his projects by Henry's diligence ². Instead of maintaining what he had undertaken, he sent proposals of peace to Henry, which were accepted on condition he restored Gisors, then in his hands. After signing the treaty, Henry speedily returned into England ³, to prevent the entrance of a legate, sent by the pope without his permission. Queen Matilda died some months after, lamented by all the English, as well for her merit as descent from their ancient kings ⁴.

1118.

Henry goes to Normandy. Makes peace with Lewis. Huntingd. Brompt.

Matilda dies. Sax. Ann. Malmsh. Lewis renews the war, Malmsh.

Mean time, the king of France had still his former project in view. Henry neglecting to demolish the castle of Gisors according to the late treaty, Lewis took occasion from thence suddenly to invade Normandy, and commit great ravages. However, Henry remained quiet in England ⁵, seeming to take no notice of this insult. All the world was amazed at his carelessness. Nay, many ascribed it to want of courage. At length, one of his courtiers taking the freedom to represent to him, how much he wronged his reputation, he mildly answered, he had learnt of the king his father, that the best way to vanquish the French, was, to let them vent their first fury. But to show his slowness was not the effect of

¹ He was there already, and had been ever since the year 1116, after Easter. Sax. Ann.

² The French historians make no mention of this retreat, or of the peace that followed it, and have confounded this war in 1118, with that which was renewed the same year after the delivering up Gisors. Rapin.

³ It does not appear that king Henry returned to England upon this occasion. Sadmer expressly says, that the legate waited upon the king at Roan. The legate was Anselm, nephew to the late archbishop of that name.

⁴ She died the first of May, and was buried in Westminster abbey. She was a pious and charitable princess. Among other works she built an hospital for lepers in London; and the priory of Christ church within Aldgate. Sax. Ann. M. Paris. Malmsh. Once as she was crossing the river Lea at

Oldford near London, she was well washed, and in danger of being drowned: whereupon she caused two stone-bridges to be built, in a place one mile distant from the Oldford; one over the Lea at the head of the town of Stratford, and the other over another stream thereof, commonly called Channel's bridge, and made the king's highway of gravel between the two bridges. She gave also certain manors, and a mill called Wiggon-mill, to the abbess of Barking, for repairing of the same bridges and way. These were the first stone bridges in England. And because they were arched like a bow, the town of Stratford was afterwards called Stratford by Bow. Stow's Annals. Hayward's life of Henry I.

⁵ This is a mistake. He lay still at Roan—Apud Rothomagum se continebat. Malmsh.

1118.

and is de-
feated by
Henry.
Huntingd.
R. Diceto.
Brompton,

Ord. Vital.
p. 853.

fear, he soon after passed into Normandy ^a with a powerful army, and offered his enemy battle. Lewis accepting the challenge, the two armies engaged. During the fight, a French cavalier, named Crispin, personally attacked the king of England, and struck him twice on the head with such force, that, notwithstanding his helmet, the king was all over blood. However, he continued the combat. The sight of his blood rousing his courage, he discharged so furious a blow at his adversary, that he tumbled him from his horse, and took him prisoner. This action raised such emulation among his troops, that, at last, after a sharp engagement, the enemy was obliged to quit the field. The standard of France was taken and sent in triumph to Roast ^b. Some time after, the two kings came to a second battle ^c, the success whereof was doubtful, both sides claiming the victory. In a word, this war proved very sharp, and not a little troublesome to the two monarchs.

1119.

Council of
Rheims.
Ord. Vital.
p. 883,

Whilst hostilities were continued on both sides with equal warmth, Lewis endeavoured to take advantage of the residence of pope Calixtus II, then in France, to embroil his enemy in new troubles. He was in hopes, the pope, being of the house of Burgundy, would be easily induced to favour his designs. And therefore, without discovering his intentions, he prevailed with him to convene a council at Rheims, to which the English bishops were summoned. Henry, not mistrusting any thing from that quarter, readily permitted them to be present at the council. He only ordered them, when they took their leave, to salute the pope in his name, to hearken to his apostolical precepts, but to take care to bring none of his new inventions into the kingdom. The council consisted mostly of French bishops, some of whom being intrusted with the king's secret, made heavy complaints against Henry. They even proposed to excommunicate him, for unjustly detaining the person and dominions of the duke of Normandy his brother, who, as one of the crusade, was under the church's protection. This motion would, doubtless, have been approved by the majority, had not the pope, who was unwilling to break with Henry, evaded it, by un-

It is moved
to excom-
municate
Henry.
The pope is
against it;

^a This likewise is a mistake. He was there already.

^b The king gave twenty marks to the man who brought it. His horse was also taken, and sent back to him next day by Henry. Lewis was left alone, and lost himself in a wood, from whence a countryman conveyed him,

without knowing him, to Andely, where the remains of his army were retired. Ord. Vitalis.

^c It does not appear that it was any thing like a battle. Lewis sent indeed and challenged Henry to a second fight, but he did not think fit to accept of the challenge. P. Daniel.

dertaking

dertaking to exhort him himself to do justice to his brother. Some time after, Calixtus came to Gisors, where he had a long conference with the king, intimating, it was the council's desire that Robert should be restored to his dominions. Henry replied, he had not taken Normandy from his brother, but from dissolute men and robbers, that were consuming the inheritance of his ancestors, given up to them by Robert. Adding, he had not proceeded of his own head, but by the solicitations of the nobility, clergy, and people of Normandy, who earnestly besought him to prevent the utter desolation of the church. He took care to strengthen these reasons with magnificent presents, which wrought so upon the pope and the cardinals, his attendants, that, at their return, they gave out, they had never seen a more eloquent prince. Thus Calixtus, relinquishing the interest of the imprisoned duke, used his endeavours to procure a peace between the two ⁴ kings, in which he succeeded the next year ⁵.

1119.

As soon as the peace was concluded, Henry, impatient to return to England, from whence he had been long absent ⁶, embarked at Barfleur with a numerous retinue of nobles. William, his son, who was then sixteen years of age ⁷, took with him in his vessel, all the young nobility, to render his passage more agreeable. As he sailed last, he had a mind to overtake the king his father, and promised the seamen a reward if his ship arrived first. This idle emulation was probably the cause of the misfortune that befel him. As the pilot, in order to get before the king, kept too near the shore on the coast of England ⁸, the ship touched upon a rock ⁹, and split. In the fright caused by this accident, the seamen's first care was to hoist out the boat, in order to save the

1120.

Prince William drowned.
Malmsh.
Eadmer.
Brompt.
Huntingd.

⁴ The articles of which were, 1. That all castles and strong holds taken in the late war should be mutually restored, and the prisoners on both sides set at liberty without ransom. 2. That Henry should do homage for Normandy. But Henry thinking it a diminution of his royal dignity to do this homage in person, he made his son William do it; who then received the investiture of that duchy from the hands of the king of France; and all the great men of Normandy swore fealty to him. Ord. Vital. Tyrrel. P. Daniel.—Prince William went, in the year 1119, in May, to his father in Normandy, and there married, in

June the same year, Matilda, daughter of Fulk earl of Anjou; the marriage was solemnized at Lisieux in Burgundy. Sax. Ann. Malmsh. Tyrrel.

⁵ Father Daniel says, the pope threatened Henry to excommunicate him, and did so. But the English historians speak in a different manner of this interview. Rapin.

⁶ Almost five years; namely, ever since after Easter, in 1116.

⁷ He must have been near eighteen, since he was born in 1102. S. Dunelm.

⁸ It was in or near the harbour of Barfleur. Ord. Vitalis.

⁹ Called Chaterase. Hoveden.

prince,

1120. prince, and, indeed, by their diligence, he was now out of danger. But, as he was making off, the cries of Matilda, his natural sister, induced him to row back to take her in. His approach, giving others opportunity to leap in, the boat sunk with its load, without any possibility of saving the prince. Of all that staid in the ship, there was but very few ^k that escaped by swimming. From these the circumstances of this tragical accident came to be known. Among those that perished in the waves, were, besides the prince, one of his natural brothers, called Richard, Matilda his sister, countess of Perche, Lucia, the king's niece, the earl of Chester, and several lords, whose debauched lives, as is pretended, but too justly brought down this judgment on their heads ^l.

1121. This unexpected accident made such impression on the king, that he was never after seen to laugh. However, his extreme desire to repair his loss, made him resolve to marry Adeliza, daughter of Geoffrey, earl of Louvain. But he had not the satisfaction he expected from this marriage, she never proving with child.

Henry marries Adeliza of Louvain.

War with the Welsh. Dr. P's. Chron. 124. The same year the Welsh made an incursion into Cheshire, under the conduct of Griffyn, prince of North Wales. They burnt several castles, and committed such ravages that they drew the English arms into their own country. Henry, at the head of his troops, made some progress at first, but one day, wanting to seize a certain pass, he fell into an ambush, where he lost many of his men, and was himself shot by an arrow, on his breast-plate. This accident, and the fear of not ending the war so successfully as he expected, preventing him from proceeding any farther, he made a peace with Griffyn. However, he obliged him to give hostages, and a thousand head of cattle, to defray the charges of the war.

^k All the historians agree there was but one escaped, and that a butcher.

^l There perished in this shipwreck a hundred and forty officers and soldiers, fifty sailors, with the officers belonging to the ship; many of the nobility of both sexes, &c. about three hundred in all. Most of them were drunk. See S. Dunelm. Ord. Vitalis. This was looked upon as a just judgment by our historians, for their being polluted with the sin of sodomy. The loss of this young prince was not very unhappy for the English nation,

if that be true which Brompton relates from Malmesbury, (though we cannot find it in his history) that he had such an aversion to the English, that he threatened, if ever he came to be king, he would make them draw the plough like oxen. By this fatal accident, the persons, honours, and estates of the heirs of most of the great men were in Henry's power, by which means he strengthened his interest in England, by marrying their widows, daughters, and sisters, to his courtiers and officers, Ord. Vit. M. Paris.

Shortly

Shortly after, death took out of the world Ralph, archbishop of Canterbury. This prelate was of an unblameable life, but so great a stickler for the prerogatives of his see, that he could not bear the least infringement, even in things of the smallest consequence. For instance, on the solemn festivals, when the king was wont to wear his crown, he would not suffer him to put it on himself, pretending that office belonged, on all occasions, to the archbishop of Canterbury. The metropolitical see continued vacant till the next year, when Curboil ^a, abbot of St. Bennet's, was elected by a synod held at Winchester for that purpose ^a.

1122.

Eadmer.
Brompt.

Sax. Ann.

Henry imagined, by the peace with the king of France, he had removed all occasions of war beyond sea, and that none would dare for the future to dispute with him the possession of Normandy. Nevertheless, Waleran de Mellent, lord of Pont-Audemer, created him fresh troubles, which obliged him to pass once more into that duchy. This lord, who was in great credit with the Normans, and secretly countenanced by the king of France, undertook to restore William Crito to his dominions. This project was in such forwardness, that the country was going to revolt, if the king had not speedily repaired thither ^a. On his arrival, he laid siege to Pont-Audemer, and took it. After which, he added some works to the castles of Caen, Roan, and Arques, and reinforced the garrisons. These precautions put a stop to the Normans, who did not think themselves able to ex-

1123.

Henry prevents the revolt of the Normans.
S. Dunelm.
Huntingd.
Ord. Vital.

M. West.

1124.

^a He was prior of Chich, or St. Osh in Essex, not of St. Bennet's.

^a At Gloucester. Sax. Ann. The same year king Henry cut a dike from Turkey to Lincoln, between the Witham, and the Trent, seven miles in length. It is called Foss-Dike. S. Dunelm. Camden. And the same year Ralph bishop of Durham, laid the foundations of Norham castle, upon the Tweed. S. Dunelm. *ibid*.

^a The first that declared for William Crito, was Almeric, earl of Montfort and Evreux; who was joined by Waleran and Robert, the sons of Robert earl of Mellent, William de Romara, Hugh de Montfort, Hugh of Newcastle, William Lupell, Balthic de Braye, Pagan de Gisors, &c. Ord. Vital. Sax. Ann. P. Daniel, p. 214, &c. King Henry, finding that these barons were supported by the king of France, declared war against him; and not long after, both armies came to an en-

gagement near the village of Teroude, about two or three leagues from Roan, on March 26; when the French were routed. Earl Waleran, Hugh de Montfort, and Hugh of Newcastle, with eighty other knights, were taken prisoners. Against whom king Henry proceeded with great severity, notwithstanding the intercession of the earl of Flanders, who was then at his court. The earl of Mellent was forced to surrender his whole inheritance to Henry, to save his life; though he was restored to it in 1129. Hugh of Newcastle was kept a prisoner five years; and Hugh of Montfort, eighteen at Gloucester. Geoffrey de Tourville, Odard de Pine, and Luke de Barre, had their eyes put out. Those that signalized themselves in this battle, were, Eudo de Borling, William de Tancarville, king Henry's chamberlain, William de Grandcourt, &c. Ord. Vitalis. Sax. Ann. P. Daniel, &c.

1124.

Waleran de
Mellent
taken.

1125.

The pope's
legate ar-
rives in
England.
Sax. Ann.
Huntingd.
M. Paris.
Synod a-
gainst the
priests mar-
riage.
S. Dunelm.

The king
gained some
advantage
by it.

1127.

Henry gets
Matilda ac-
knowledgeed
his heir.
Sax. Ann.
Malm'sb.

ecute their designs. However, Waleran de Mellent, and the earl of Montfort, his associate, kept the field with some troops. But being drawn into an ambush, they were both taken prisoners, and the rest remained quiet.

Whilst the king was in Normandy, cardinal John de Créma, the pope's legate, came into England. The design of his coming, was to complete the reformation of the pretended great abuse of the clergy's marrying, which they still did, notwithstanding all the precautions to the contrary. The legate was received with great pomp, though the people were little pleased with it, not being used to see legates exercising their authority in the kingdom. A synod being convened by the legate at London, he caused several rigorous canons to be passed against such ecclesiasticks, as persisted in keeping their wives. These canons, however, were not capable to stop this pretended licentiousness, though the king strictly enjoined their observance. But Henry's aim was not so much to prevent the clergy from marrying, as to obtain of the pope, by this seeming zeal, a power to execute the decrees of the councils on this article, as it happened in the year 1129. When once he was invested with this authority, he gave the priests leave, without scruple, to keep their wives, upon payment of so much money for a dispensation.

The king had now, for six years, been expecting in vain, that God would bless him with children by his second wife. When he found, after so long a time, there was no likelihood of obtaining what he desired, he was quite out of hopes. However, to secure the succession in his family, he resolved to cause his daughter Matilda, who, since the emperor's death, was returned to England^p, to be acknowledged the presumptive heir to the crown. The advantage this princess had, of being descended by the mother's side, from the ancient Saxon kings, endeared her to the English, who were not yet inured to the Norman yoke. On the other hand, for want of a prince of their own nation, it was the interest of the Normans, to place on the throne, a granddaughter of William the conqueror, to whom they were indebted for all their possessions in England. The case standing thus, the king was in hopes to succeed in his design, and assembled all the immediate vassals of the crown^q. Among the lords, present at this great council, were, Stephen, earl

^p After her husband's death, in 1125, she came to the king her father in Normandy; and in 1126, came over to Eng-

land along with him. Brompt. Sax. Ann.
^q The archbishops, bishops, abbots, earls, and thanes. Sax. Ann.

of Boulogne, the king's nephew, and David, king of Scotland, on account of the fiefs he held in England. All the members of the assembly consenting to the king's proposal, David and Stephen were the first that took the oath to Matilda, in case the king her father died without issue male.

This affair being transacted to the king's satisfaction, he married the empress to Geoffrey Plantagenet, son of Fulk, earl of Anjou, who had resigned his dominions to his son, in order to go and take possession of the crown of Jerusalem, upon the death of Baldwin II. his father-in-law. The king, in making choice of earl Geoffrey for his daughter, consulted his own interest more than Matilda's inclination. This princess, widow to an emperor, thinking it a disparagement to marry the earl of Anjou, very unwillingly gave her consent, and not without some compulsion from her father. As he was in continual apprehensions that William Cruto, his nephew, would take Normandy from him, he thought he could not do better, than secure Geoffrey in his interest, that he might be always ready to assist that duchy, in case of attack.

Matilda married to Geoffrey Plantagenet. Hunt. Hoved. M. Paris.

If Matilda showed some reluctance to comply with her father's will, the English and Norman barons seemed no less dissatisfied with this alliance. They imagined, they ought to have been consulted in an affair which was to give them a king. Moreover, some had secretly flattered themselves with one day mounting the throne, by marrying the empress. It was easy therefore to foresee, that the oath, by which the king meant to bind them, would be of little force after his death. But besides that, he imagined none would venture to break it, his dread of the king of France, and William Cruto, caused him to consider only the present advantage procured him by the marriage of his daughter.

The barons are dissatisfied with the match.

He was very justly apprehensive of a league, between Lewis and William Cruto. The king of France no longer concealing his design of putting the young prince in possession of his father's dominions, had now invested him with

1128.

Cruto made earl of Flanders. Sax. Ann. S. Dunelm.

¹ He came to England in 1126, after Michaelmas, and spent a whole year here. Sax. Ann.

² Namely, Huntingdonshire, Northumberland, and Cumberland.

³ He sent her, after Whitsuntide, to Normandy, where she was attended by Robert earl of Gloucester, and Brian, son of Alan Fergant, earl of Rich-

mond, with orders that the marriage ceremony should be performed by the archbishop of Roan. Henry himself went over into Normandy, August 26, to see the marriage concluded. Sax. Ann. Malmsb. Geoffrey, earl of Anjou, was but fifteen years old. P. Daniel.

1128.

the earldom of Flanders, the better to enable him to wage war with the king his uncle. To prevent his enemy's designs, Henry used two methods, with equal success. The first was, to carry the war into France. The second, to engage the Flemings to rise against their new earl, and join with Theodoric, of Alsatia, who pretended to Flanders. Pursuant to his scheme, he entered France with a powerful army, whilst, on the other hand, the towns of Flanders openly declared against his nephew. Alost was the first William undertook to reduce to obedience, by a siege, which lasted long enough to give his rival time to come to its relief. William, having intelligence of Theodoric's approach, went to meet him, and, gaining a complete victory, returned to the siege. The defeat of the landgrave of Alsatia, would have disabled the besieged to hold out any longer, if in one of their sallies William had not received a wound^a, of which he died in a few days. This young prince was endued with courage, and several other good qualities. But, to avoid the misfortunes the duke his father had drawn upon himself by his profuseness, he ran into the contrary extreme^w. This failing, joined to some acts of violence committed by him in Flanders, and his immoderate love of women, gained him the hatred of the Flemings, and disposed them to listen to the solicitations of the king his uncle. The unlucky accident of this prince's sudden death, and the presence of the English army in France, obliged Lewis to desist from his projects, and conclude a peace with Henry. From that time, to the day of his death, the king had no more quarrels with France. Neither do we find in the residue of his reign, which lasted six years longer, but very few occurrences worth notice, the principal of which I am going to relate.

Prompt.

*Is slain at
the siege of
Alost.
S. Dunelm.
Huntingd.*

1130.

*Henry owns
Innocent II.
for pope.
Malmsh.*

In the 30th year of his reign, being likewise the 30th of the century, Henry went over to Normandy, where he spent the best part of a year. His principal business was an interview with pope Innocent II. whom, at length, he owned for the true pope, though Anacletus, his rival, was master of Rome. The chief difficulty, in this affair, consisted in the acknowledgment of Innocent, by France; and, in Henry's inclining, for that reason, to Anacletus. But Innocent ma-

^a Taking hold of a man's lance, he was wounded in the ball of the thumb, which turning to a gangrene, he died five days after in St. Bertin's monastery, on July 27. Sax. Ann. S. Dunelm.

P. Daniel, p. 225. See his tomb and epitaph in Sandford.

^w Upon which account he is, in the Belgick histories, surnamed Miser. Tyrrel.

naged him so artfully, that he was owned by him for pope, which did not a little turn to his advantage. 1130.

Henry, when he returned to England, brought with him his daughter Matilda, who, upon some disgust, was parted from the earl her husband. Upon his arrival, he called a general assembly, where the oath of fealty to the empress was renewed, after which she went back to her husband, who desired her company. Barons renewed their oath to Matilda. Malmsh. Huntingd.

The year 1132, was remarkable for the founding of an episcopal see at Carlisle, and the burning great part of London. As the houses were mostly built of wood, this city was frequently subject to the like accidents. 1132. Huntingd. M. West.

The next year, a new occasion of joy blotted out the remembrance of this misfortune. Matilda was brought to bed of a prince, named Henry, after his grandfather. Immediately after the birth of this prince, the king assembled all the great men, and caused them to renew the oath of the succession, in which the new-born prince was included. This was the third time he made them take this oath, which, however, was never the better observed. Matilda had two sons more, namely, Geoffrey and William, of whom I shall have occasion to speak hereafter. 1133. Birth of prince Henry. Huntingd. R. Diceto. M. Paris. M. West.

Towards the latter end of the summer, the king went over for the last time to Normandy. The day he embarked, there was an eclipse of the sun, and two days after a great earthquake, flames of fire issuing out of the clefts of the earth with great violence. Some will have these accidents to be presages of the king's death, which, however, did not happen till two years after. Robert, his eldest brother, died before him at the castle of Cardiffe, where he had been prisoner twenty-six years*. He was a prince of great courage, and, for some time, of great reputation. His easy, careless, and profuse temper made him lose twice the opportunity of acquiring the crown of England, which he had a better claim to, and perhaps was more deserving of, than his brothers. He was surnamed Courte-hose, either for wearing his breeches very short, or because his legs were not long enough in proportion to the rest of his body†. Some give him the surname of Courteous, mistaking the meaning of the word Courte-hose, and because that name was suitable to his ge-

* It was about twenty-seven, namely, from 1107, to 1134, February 10. Ord. Vitalis. W. Gemeticen.

† Malmshury says, he was so named, because he was small of stature.

1133. nerous temper. He was buried at Gloucester, in the choir of the cathedral, where his tomb is still to be seen ^a.

1135. The death of Robert, was quickly followed by that of the king his brother. About the latter end of August, 1135, he was seized with a violent illness, which carried him off in seven days. It is said, he was the occasion of it himself, by eating to excess of some lampreys, of which he was very fond. He was then at the castle of Lyon, near Roan, a place he much delighted in. When he found he was near his end, he sent for the earl of Gloucester, his natural son, and earnestly recommended to him the concerns of the empire his daughter, without mentioning the earl of Anjou, his son-in-law, with whom he was displeased. After this, he made his will, leaving to his domesticks above sixty thousand pounds sterling. He ordered his debts to be punctually paid, and all arrears due to him to be remitted. He died on the second of December ^a, in the sixty-eighth year of his age, and the thirty-sixth of his reign. His body was cut in pieces, in order to be embalmed ^b, after the rude manner of those days, because he was to be buried in England, in the abbey of Reading ^c.

The death of Henry.

Orig. Vital.

His character.

We find in this prince, a great mixture of good and bad qualities. He was very courageous, and of a great capacity, both in military and civil affairs. His prudence in the administration of his government, appeared chiefly in that during his frequent voyages to Normandy, there was never any insurrection in England, though the kingdom did not want malecontents. He was very regular in his diet. Never was

^a He lies in the middle of the choir, where, not long after, was erected for him a tomb of waincot, in the form of a chest, with his image thereon cross-legged, carved to the life in heart of oak. Upon the pannels of the chest, are pencilled the arms of several of the worthies, and at the foot, the arms of France and England, quarterly, which show these escutcheons to be painted since the reign of Henry IV. The parliament soldiers in Charles I's time, tore it to pieces, but the parcels (ready to be burnt) were bought of the soldiers by sir Humphrey Tracy, of Stanway, and after the restoration, put together again, and beautified at his own charge, and defended with a wire screen. Sandford. Huntingdon says, he died of grief, for being forced to wear a cast-off coat of the king his brother.

^a Rapin, by mistake, says September. He died about midnight the first of December, being Sunday.

^b Gervase of Canterbury, gives us the barbarous manner of embalming the king's body. They cut great gashes in his flesh with knives, and then powdering it well with salt, wrapped it up in tanned ox hides to avoid the stench, which was so infectious, that a man who was hired to open his head, died presently after.

^c Though there is no mention of this king's monument, the monks of Reading are thought to erect a tomb answerable to the dignity of their founder. Upon the suppression of the abbey, his bones are said to be thrown out to make room for a stable of horses. The monastery is now a dwelling-house. Sandford,

he

he known to be guilty of any excess, in eating or drinking, except that which cost him his life. He was inexorable to all malefactors, being persuaded, severity was absolutely necessary to curb the licentiousness introduced in the late reign. His education was the reverse of that of William Rufus. Whereas Rufus had no learning at all, Henry was brought up to letters, and made great progress in his studies. Hence he acquired the surname of Beauclerck, that is, the scholar, for in those days, none but ecclesiasticks troubled themselves about books, and princes least of all others. He retained all his life a relish for the sciences, embibed in his youth. He had even built a palace at Oxford, where he often retired to divert himself with the conversation of the learned. His handsome face, his sweet and serene looks, his free and open countenance, his affable carriage and agreeable conversation, prepossed, at first sight, all the world in his favour. These fine qualities would have rendered him an accomplished prince, had they not been sullied with many faults, among which, cruelty, avarice, and an inordinate love of women, were most predominant. The first appeared in the barbarous usage of his elder brother. The second, in his exorbitant and frequent taxes on the people. The third, in the great number of bastards by several mistresses. I shall not stay to remark here his usurpation of the crown, because it may be objected, Robert's claim was not incontestable, by reason of the diversity of opinions on that subject. But for his injustice to his brother, in depriving him of his dominions, and detaining him prisoner twenty-six years, I think nothing can excuse it. In order to atone in some measure for his misdeemeanours, he founded the episcopal sees of Ely and Carlisle, and the abbeys of Reading, Hyde, Chester, with the priory of Dunstable^d. This was the method of atoning for offences, much in vogue in those days, which being very easy for the rich and powerful, was long in use and is still practised to this day. The charter this prince granted the nation upon his accession to the crown, is one of the most remarkable particulars of his reign, during which England enjoyed a very great plenty of all things. For a shilling might be bought as much corn as would serve one hundred men a day: and for a groat, which was also the price of a

^d Among his other buildings, was a magnificent palace at Woodstock, to which he adjoined a large park, inclosed with a stone wall, which is affirmed to be the first park in England. Though

there were afterwards so great a number, that there were computed more in this kingdom, than in all the christian world besides.

1135.

sheep, as much hay and oats as twenty horses could eat in the same time. It is true indeed, money was then much scarcer than at present.

His issue.

Henry left only one legitimate daughter, namely, the empress Matilda, and twelve natural children. Among whom, Robert, earl of Gloucester, made the greatest figure^e; as well on account of his personal merit, as for his steady adherence to the empress his sister, as will be seen in the following reign^f.

4. The

^e The rest of his natural children were; II. Richard, by the widow of Anskil, a nobleman in Oxfordshire. He was drowned with prince William. III. Reynald, created earl of Cornwall, in the 5th of Stephen, by Sibil, daughter of sir Robert Corbet, of Alcester, in Warwickshire. IV. Robert, by Editha, daughter of a northern gentleman. V. Gilbert, mentioned without any particulars by W. Gemet. VI. William de Tracy, so named from a town in Normandy. VII. Henry, by Nesta, daughter of Rees ap Tudor, prince of South Wales (wife afterwards of Gerald of Windsor, constable of Pembroke castle, and ancestor of the earls of Kildare, in Ireland). He was born and bred, and lived and married in Wales, having two sons, Meiler and Robert. He lost his life in the conflict betwixt Magnus, son of the king of Norway, and Hugh Montgomery, earl of Shrewsbury, 1197. VIII. Maud, wife of Rotro, earl of Perth. She was drowned with prince William. IX. Another Maud, married to Conan the great, earl of Bretagne. X. Julian, married to Eustace de Pacie, natural son of William de Bretevil, eldest son and heir of William, and elder brother of Roger, earl of Hereford, in England. XI. Constance, wife of Roscelin, viscount Beaumont (a town of Maine in France) and by him mother of Richard viscount Beaumont, father of Ermenguard, queen of William, king of Scotland, and of Constance de Toyn, to whom king John confirmed the estate of her grandmother Constance. XII. Elizabeth, by Elizabeth, sister of Walteran, earl of Mellent, married to Alexander king of Scots. These, with two other nameless daughters, are mentioned by Gemeticensis, l. 8. c. 29.

^f The most memorable occurrences, not mentioned by Mr. Rapin, are these. In the year 1112, there was a plague in England. (Sax. Ann.) And in 1113, Worcester was burnt to the ground, in June. (S. Dunelm. p. 256. Brompt. p. 1005.) In 1114, October 10, the water was so low in the Thames, for near twenty-four hours, that people could not only ride through between the bridge and the tower, but great numbers of men and boys even passed it there on foot, the water hardly reaching up to their knees. It was the same in the Medway, at Yarmouth, and other places. (Sax. Ann. Eadmer, p. 111. S. Dunelm. p. 236. Brompt. p. 1005.) In 1119, and 1122, there were two earthquakes in Gloucestershire, Worcestershire, and Somersetshire. (Sax. Ann.) In 1122, king Henry ordered a wall to be built round Carlisle. (S. Dunelm. p. 246.) In 1123, May 19, the city of Lincoln was almost all burnt down. (Sax. Ann.) In 1124, there was so great a dearth in England, that a horse load of wheat was sold for six shillings. (Sax. Ann. Huntingd. p. 382.) In 1131, January 11, there was a remarkable Aurora Borealis. (Sax. Ann. Malmsh. p. 177.)

The manner of paying in and computing the king's money being shown in the note at the end of William Rufus's reign, it may not be amiss to show here, how the royal revenue was levied and the manner of issuing it. First, as to the levying, the person principally intrusted, was the sheriff of each county, who, in those days, was an officer of great authority. However, there were several other stated collectors and accountants, namely, the excheators, the farmers, (or custodes of such towns and burghs as were not within

4. *The reign of king STEPHEN.*

HENRY imagined he had taken so just measures to secure the succession to the empress his daughter; that he could not believe they would ever fail. The triple oath, by which he had bound the lords spiritual and temporal, seemed to him a sufficient fence against their ambition. At least, he could not think, that, supposing some one should irreliously violate so solemn engagements, the rest would be willing to favour his designs. And yet, this tie, which appeared so strong, could not hinder those whom he least suspected, from contriving, even before his death, how to render all his precautions ineffectual. We may have observed, in the three foregoing reigns, with what partiality riches, honours, and places, were bestowed upon foreigners, particularly upon those who had any relation to the royal family. The three last kings, by excluding the English from their favours, in order to lavish them on the Normans, were in hopes, by that means, to secure the crown in their family. But, on the contrary, by heaping estates and honours on their relations, instead of gaining their children friends, they created them rivals. By strengthening the foreigners against the English, they unadvisedly cherished the ambition of the former, and put it out of the power of the latter to support the royal family, when most in need of protection.

1135.

Henry's precautions ineffectual.

False measures of the Norman kings.

Among

within the sheriff's receipt) the custodes cambi, or customers, the keepers of the wardrobe, and in general, all persons who held bailiwicks from the king, or received any of his treasure or revenue by imprest, or otherwise, were obliged to send an account thereof, and in succeeding times the collectors of tallages, dismes, quiazimes, &c. But in case these officers could not enforce the king's debtors to make payment, the sheriff was armed with sufficient power to do it. The most ancient process made use of, was the summons of the exchequer, which issued twice a year into all the counties of England, and was returnable against the times of holding the duo scaccari,

namely, the scaccarium pasche, or exchequer of Easter, and the scaccarium St. Michaelis, or exchequer of Michaelmas, which were the general terms for the sheriffs and other accountants to pay in their fermes or rents, and other issues of their bailiwicks. This was the ordinary process, but upon urgent occasions, the kings sometimes issued special writs to the sheriffs, and others concerned in collecting the revenue, commanding them to levy debts, &c. with all speed. Secondly, as to the manner of issuing the king's money: this was done several ways. Whilst the money remained in the hands of the sheriffs, fermers, and others, it was usual for the king, his chief justicier,

1135.

Stephen,
nephew to
Henry, as-
pires to the
crown in
his uncle's
life time.

Brompt.

Among those that shared the late king's favours, Stephen, earl of Boulogne, his nephew, was the most considerable. Adela, his mother, daughter of William the conqueror, brought the earl of Blois, her husband, four sons, of whom Theobald, the second, succeeded his father, the eldest being incapacitated by some natural defects. Stephen, the third son, was sent into England to the king his uncle. Henry, the youngest, was a monk in the monastery of Clugni. Stephen's noble qualities soon gained him the esteem and affection of the king, who took a pleasure in making him rich and powerful. Besides, he politically thought he could do no better than enable his nephews to support his family. With this view, he conferred on Stephen the lands taken from the earl of Mortaign, and sending for Henry, from the monastery of Clugni, made him abbot of Glaffenbury, and, some time after, bishop of Winchester. The king's favour

great officers of his court, treasurer, or barons of the exchequer, to order them by writ, to make provisions and payments out of the money in their hands. This writ was sometimes called warrantum, the sheriff's warrant, for, upon producing it, he had allowance made to him de tanto upon his accompt. Sometimes the king's money was issued by way of prest or imprest, de præstito, either out of the receipt of exchequer, the wardrobe, or other the king's treasuries. Imprest seems to have been of the nature of a concreditum or accommodatum, and when a man had money imprest to him, he became accountable to the crown for the same. In the fifth year of king Stephen, an accompt was rendered at the exchequer, of certain moneys imprest to the accomptant, when the empress came into England. Mag. Rot. s Steph. Ac-

cording to ancient usage, the king's treasure was to be issued by virtue of a writ or mandate under the great and privy seal, and directed sometimes to the chief justicier and barons of the exchequer, but most commonly to the treasurers and chamberlain of the receipt. And the writ was founded upon a bill or certificate from the exchequer or wardrobe, or other matter of record. But the usual writ for issuing the king's money out of the exchequer, was the liberate, (so called from that word used in it,) directed to the treasurer and chamberlain. This writ was of two sorts; a liberate for paying a sum hac vice only; and a liberate current or dormant for paying in continuance or more than once. The reader may see instances of these things in Madox's Hist. of the exchequer, ch. vi. x.



H1.

The coins of Henry I. are of the same shape and size with those of the conqueror, and inscribed HENRIC. REX ANGL. The king's full face, sceptre, and cross, and an open crown with

three flower-de-lis (which distinguishes his coin from those of Henry II.) on one side; and the reverse, a cross potent in each quarter of a large cross, as in the figure annexed.

gaining

gaining the two brothers great credit and interest in England, they formed so strong a party, that they thought themselves able to take advantage of the disaster befallen the royal family, in the death of prince William. It is true, when the late king was desirous to secure the crown to Matilda, Stephen was the first that swore to that princess. But, besides that he could not be excused, it was not yet time to discover his designs. Perhaps too, he hoped the king out of affection might give him his daughter. However this be, his hopes, if he had entertained any, vanishing with Matilda's marriage with the earl of Anjou, he turned his thoughts to the accomplishing of his project. By means of secret emissaries, he fomented the discontent caused by this marriage among the nobility, and made sure beforehand of the assistance of those, who were best able to place him on the throne after the king's death. He acted however with so much caution, that his uncle never once suspected his intentions. On the contrary, a little before his death, he gave him a fresh mark of his affection, by marrying him to Matilda, only daughter and heir of the earl of Boulogne, by which he became more powerful and in greater credit than ever.

As the king's last sickness appeared at first very dangerous, Stephen, who attended him into Normandy, sent speedy notice to the bishop of Winchester his brother, that he might renew his intrigues to procure him the crown. This prelate had now gained to his interest the archbishop of Canterbury, and Roger, bishop of Salisbury, who had both a great influence on the clergy. Roger was the wealthiest subject in England, having had opportunity to amass vast riches in the administration of affairs, ecclesiastical and civil, which the late king had wholly entrusted him with. The occasion of his rise was something particular. Whilst he was only a parish priest in Normandy, Henry, who had then no prospect of mounting the throne, chanced to come into the church, where he was saying mass. The great care wherewith the priest performed the service, pleased the king so, that he desired to have him for his chaplain*. Roger did not want much entreaty to accept of an honour he so little expected. Though he was no scholar, he was naturally of so pliable a disposition, and so much a courtier, that he quickly gained the good graces of his patron, who loaded

The first rise
of Roger,
bishop of
Salisbury.
Brompt.
Malmsh.
Huntingd.

* Malmshury says, he was first brought into Henry's family, while prince, as a steward, and recommended to him as a fit person to manage his affairs.

1135.



The clergy
declares for
Stephen.

Malmfb.
p. 175.

R. de Diceto.
Gervas.
M. Paris.

He is
crowned.
Prompt.
Malmfb.
Hoyed.

him with favours. As soon as he came to the crown, his first care was to prefer his chaplain, by promoting him to the see of Salisbury. But not stopping there, he committed to him afterwards the management of all important affairs, in church and state, and made him his chief justiciary. This high post furnished the bishop with an opportunity of heaping up immense riches, which he expended not so much in acts of charity, as in building stately palaces, and keeping as splendid an equipage almost as the king himself.

It was a great advantage to Stephen, to have for him three prelates, whose interest secured him the suffrages of all the clergy. This body was then so powerful, that the lay-lords who were not in the plot, did not think themselves able to oppose the design, which they saw was entirely formed, of placing Stephen on the throne, since all the bishops declared in his favour. Not one attempted to speak for Matilda, so great an influence had the example and authority of the clergy over the minds of the nobles and people. In the mean time, Henry dying in Normandy, Stephen forthwith repaired into England to support his pretensions with his presence. It was not very difficult for him, thus supported, to carry the prize from an absent princess; whose capricious and haughty temper had already formed a great prejudice against her. If the nobility had really that attachment for religion, which they affected to show, their repeated oaths to Matilda would have been an insuperable obstacle to Stephen's election. But they were then as well skilled, as now, in the art of evading the most solemn oaths, by distinctions and mental reservations, which render the use of an oath of no effect. The archbishop of Canterbury affirmed, the oath taken to Matilda, was null and void, as being directly contrary to the customs of the English, who had never suffered a woman to reign over them. The bishop of Salisbury maintained, the oath was not binding, because Matilda was married out of the realm, without the consent of the barons, whose intent, when they swore, was, not to give themselves a king, but of the race of William the conqueror. In fine, to remove all scruples, Hugh Bigod, the late king's steward, swore on the holy evangelists, that Henry before he died, disinherited Matilda, and nominated his nephew Stephen, for his successor. This was sufficient to palliate the disloyalty of the barons. On these weak grounds they rejected Matilda's right, which they had thrice sworn to maintain, and crowned Stephen the 26th of December^b, twenty-four days after Henry's death. Thus

^b W. Malmfbury says, he was crowned the twenty-second,

this

this princess saw herself deprived of the crown, by those whom the king her father thought most firmly engaged to stand by her. So true it is, that the precautions suggested by human prudence are very little to be relied on ^c.

Stephen was then one and thirty years old, and in great esteem with the nobility. But his age and noble qualities were no addition to his right. His title was so weak, that, to engage the barons to support it, he was forced to promise them more privileges under his government, than they had enjoyed in the reigns of the Norman kings his predecessors, and doubtless, more than ever he intended to grant. This was the sole motive of their concurring so heartily in his election. They imagined, his being indebted to them for the crown, would always dispose him to be grateful. But they could not expect the like from Matilda, who, having a clearer title, would not think herself under the same obligations. Stephen, therefore, willing to spare nothing for a crown, that might so justly be disputed with him, promised to reform whatever was amiss in the three foregoing reigns, and the bishop of Winchester, his brother, passed his word for him. This juncture was too favourable for the barons to let it pass without improvement. When the oath came to be administered to the new king, much more was required of him than of his predecessors. The import of the oath was, "That he would, within such a time, fill the vacant bishopricks, and leave the temporalities in the hands of some ecclesiastick, who should take charge of them till the vacancy was filled. That he would not seize the woods of any clerk or layman, upon frivolous pretences, as his predecessors had done, but be content with the forests, which belonged to the two Williams, and make restitution of such as Henry had usurped. Lastly, that he would abolish dane-gelt, which was insupportable to the nation, and being taken away by king Edward, was restored by the Norman kings." The bishops, on their part, took an oath which was no less uncommon, for they swore allegiance no longer than he should continue to maintain the church in her privileges. The lay-lords acted with the same caution, if we may judge by the oath of the earl of

He makes large promises to the barons. Malmsh. Brompton. Huntingd.

He takes an unusual oath. Huntingd.

The oath of the bishops and barons. Malmsh.

^c The author of *Gesta Regis Stephani* testifies, That most of the nobility did not only find it necessary, immediately to elect a valiant and worthy king, for the common benefit and

peace of the kingdom; but that they supposed it to be their right and privilege, upon the death of their king, to provide another of the royal blood to succeed him.

1135. Gloucester, natural son of the late king. He swore fealty to the king, but on condition he would preserve his estates and honours entire, and observe the covenants made with the barons. Stephen promised to do whatever was required of him, and moreover to grant an authentick charter for the security of the liberties of the nation, and the privileges of the church.

Stephen
seizes the
late king's
treasures.
Malmsh.
Gervas.
Sax. Ann.

Brompt.

The coronation being over, the new king posted to Winchester, to take possession of the treasure of the late king, which amounted to a hundred thousand marks ⁴, besides plate and jewels. With this money he levied an army of Bretons, Picards, Flemings, and other foreigners, whose assistance he thought he might want, not having yet any great confidence in his own subjects. At his return from Winchester, he went to meet the corps of the late king, which was coming from Normandy, in order to be interred at Reading, according to his own directions.

1136.

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He grants a  
very advantageous  
charter.  
Sax. Ann.  
Huntingd.  
Malmsh.  
Brompton.  
M. Paris.  
J. Hagulst.

Malmsh.  
p. 199.

Hitherto Stephen had met with no opposition. But he plainly foresaw it would be otherwise hereafter. It was very likely Matilda and Geoffrey her husband would not fail to attempt the recovery of a crown taken from them. It was requisite therefore to endeavour to gain the good will of the people, and the most proper means to that end, was to show, he really intended to perform his promises. With this view, he convened a general assembly at Oxford, where he signed the promised charter, the chief articles of which are as follow: "He acknowledges his being elected king, " by the assent of the clergy and people. He confirms all " the liberties, privileges, and immunities of the church, " and consents that all ecclesiastical causes and persons shall " be tried by the clergy. He promises, not to meddle in " any manner with the temporalities of vacant bishopricks, " or estates belonging to the ecclesiasticks. He abolishes all " laws relating to hunting and the forests <sup>5</sup>, enacted since " the conquest. Lastly, to gain entirely the affection of " the English, he revives the ancient Saxon laws." This charter was very advantageous for the people, had it been punctually observed. But, as an historian remarks, as the English elected Stephen purely for their own interest, so this prince granted all they required, rather to amuse them, than to bind himself with these parchment chains. The solidity of this remark is visible in the behaviour of the king a few months after. The archbishoprick of Canterbury becoming

<sup>4</sup> W. Malmshury says, a hundred thousand pounds.

<sup>5</sup> He also abolishes *dane-gelt* for ever.

Brompt.

vacant

vacant by the death of Corbet, the king seized the revenues, and kept them in his hands above two years. Neither did he rest there. As the archbishop died intestate, he seized his effects, pretending it was the prerogative of the crown. It is true, he only followed the example of the three former kings. But supposing he was possessed of that right, he had promised so positively to give it up, that this proceeding could not be considered but as an express breach of his charter and oath.

1136.

The king  
seizes the  
revenues of  
the see of  
Canterbury.  
Huntingd.  
M. Paris.  
Malmsh.

The beginning of this reign was very peaceable, but this tranquillity lasted not long. The subjects, grown insolent, set too high a value on the service they had done the king. There were some, who, being forced to comply with the sentiments of the majority, were waiting for an opportunity to take away the reproach the nation lay under for the breach of their oath. The king, who was not ignorant how matters stood, did all he could to gain the people's affections, for whom he foresaw he should soon have occasion. With this view it was that he conferred titles and honours on several persons, and alienated great part of the crown-lands, to such as might be serviceable to him. Mean time, this bounty had not the effect he proposed. Those that partook of his favours, considered them as their due reward, whilst others that were neglected, entertained a jealousy, which, in the end, proved very fatal to him. But his greatest oversight was suffering the barons to fortify their castles, which put it in their power to revolt whenever they pleased <sup>f</sup>. In a little time, there were above a thousand fortified castles in divers parts of the kingdom.

Dispositions  
to troubles.

Malmsh.

Brompt.

The insolence of Baldwin de Redvers <sup>g</sup> earl of Devonshire, quickly made Stephen sensible of his error. The earl taking it as an affront, that the king should deny him some favour, openly declared he would obey him no longer. Pursuant to this resolution, he fortified his castle at Exeter, where he acted as sovereign, exercising a tyrannical power upon the citizens. This revolt was the more dangerous, as the Welsh at the same time made an irruption into the frontiers, and carried away a great booty. The king, judging Baldwin's affair to be of greater importance than the inroads of the Welsh, laid siege to Exeter, which took him up a considerable time. At length, becoming master of the place,

Earl of De-  
vonshire re-  
volts.

G. R. S.

p. 933.

Brompt.

Huntingd.  
Incursion of  
the Welsh.

<sup>f</sup> This he did in order to secure himself against any attempts from Matilda. He not only gave the barons leave to fortify their castles, but also to build

new ones on their estates. Brompt.

<sup>g</sup> Or De Redvers. R. de Dicetq. De Rivers, Ann. War. He was also lord of the isle of Wight. Tyrrel.

1136. he pursued the rebel to the isle of Wight, and, compelling him to fly from thence, banished him the realm<sup>a</sup>, but pardoned all the other offenders. This indulgence proved very prejudicial to him, as it served to embolden the discontented party.

The earl  
banished.  
Hunt.  
Brompt.  
Hoved.  
M. Paris.  
The English  
defeated by  
the Welsh.  
Pow. Chro.  
Gervas.

1137.

The king of Scotland invaded the north. Huntingd. Malmsh. Sax. Ana. Brompt.

The king of Scotland invaded the north. Huntingd. Malmsh. Sax. Ana. Brompt.

An advantageous peace to the king of Scotland. J. Hag. p. 318. Ric. Hag. p. 258.

The king taken ill; the consequences of it. Hoved. Brompt.

The Welsh war ended not so successfully. In a battle fought near Cardigan, the king's troops were so roughly handled, that very few escaped<sup>1</sup>. It is said, the English soldiers were struck with such a pannick, that they suffered themselves to be taken prisoners by the very women.

Whilst the English arms were employed in Wales, David, king of Scotland, made an incursion into the northern counties of England, under pretence of revenging the wrong done to the empress his niece. He immediately became master of Carlisle and Newcastle, and, pushing his conquests, advanced as far as Durham. As soon as Stephen could get clear of the Welsh, he marched into the north<sup>2</sup>, to repel the king of Scotland. The particulars of this war, of little moment in themselves, are variously related by the historians of the two nations, who agree in nothing but the conclusion. They unanimously tell us, it ended in a treaty of peace, whereby the king of Scotland was to have Carlisle, and prince Henry his son the earldom of Huntingdon<sup>3</sup>, for which he did homage to the king of England. The reason of the son's being invested, was, because the father refused to accept it on that condition, alledging he had sworn to acknowledge no other sovereign in England but Matilda, in case king Henry died without issue male<sup>4</sup>.

Stephen was no sooner returned from his northern expedition, but he fell into a lethargy, which made it thought his death was at hand. The supposed certainty thereof caused in England as well as Normandy, such troubles as

<sup>a</sup> And disinherited him. Diceto.

<sup>1</sup> Above three thousand of them were slain on the spot, with two barons, Robert Fitzroger, and Pain Fitzjohn, besides a great number drowned by the fall of a bridge over the river Temd. After this victory, the Welsh princes over-ran the English territories, and returned home with a great booty. Dr. Powel's Chron. Gervase. Ranulph, earl of Chester, leading also an army into Wales, was entirely defeated, and hardly could escape with five of his men, all the rest being slain.

<sup>2</sup> With the largest army that had

ever been known in England. Hoved.

<sup>3</sup> With the town of Doncaster, and all that belonged to it.

<sup>4</sup> The king at his return kept his court the Easter following at Westminster, with greater magnificence than had been usually seen in his uncle's reign. At these solemn meetings the great affairs of the kingdom were transacted, there being no other parliaments in those days, not till king John or Henry III. This expedition is generally placed before the affair of earl Redvers.

were not easily allayed. The king's friends were disheartened, and Matilda's party considerably increased by the rumour of the king's having resigned his last breath. On the other hand, the Welsh, looking upon this as a favourable juncture, renewed the war, whilst the earl of Anjou entered Normandy, to take possession of that part of the king his father-in-law's inheritance. But, for what reason I know not, this prince was become so odious to the Normans, that, to avoid falling under his government, they called in Theobald, earl of Blois, Stephen's elder brother. Theobald, taking them whilst they were in this mind, came to Lisieux, where the earl of Gloucester delivered him the keys of Falaise<sup>a</sup>. This earl remembering the last commands of the king his father in behalf of Matilda, had with great reluctance taken the oath to Stephen. But as it was not in his power to support alone the empress's right, he chose to dissemble in expectation of a favourable opportunity to declare in her favour. He believed he had found one by introducing the earl of Blois into Normandy, imagining this prince, who looked with an envious eye on his brother's greatness, would raise such troubles, as might turn to Matilda's advantage.

1137.

Ord. Vital.  
M. Paris.

The Normans send for Theobald earl of Blois.  
M. Paris.  
Walsing.  
Gloucester delivers up Falaise to him.

Mean time, Stephen being perfectly recovered, found his affairs in the utmost confusion. The great men, who had depended upon the king's death, were already entered into several factions, from whence he foresaw, it would be difficult to disengage them. Theobald, his brother, creating him most uneasiness, he resolved to attack him first, before he was strengthened with the assistance of the king of France, who alone was able to support him. To this end, he went into Normandy, carrying with him large sums of money, with which he prevailed upon the chief men of the country to abandon the earl of Blois. This change ought not to have surprised the earl, since the Normans had not called him in but on supposition that Stephen was dead or dying, and to avoid being subject to the earl of Anjou.

Stephen recovers; and drives his brother out of Normandy.  
Ord. Vital.  
p. 902.  
Huntingd.  
Brompt.  
Hoved.  
M. Paris.

The Normans deserting the earl of Blois, was a great advantage to Stephen. But, to deprive him of all support, the king employed part of his money in gaining the French king to his interest. This expedient succeeding to his wish, he made an offensive league with France, which put it out of the power of his enemies to hurt him. However, as Lewis could not, without some uneasiness, see England and Normandy in the hands of the same person, Stephen resigned

He makes an alliance with France.  
Ord. Vitalis.  
p. 909.  
Hoved.

<sup>a</sup> Mr. Tyrrel says, that Robert could not deliver up Falaise, for he was then in England.

1137.

Gives Normandy to his son, Huntingd. Ord. Vital. p. 911. Brompt. M. Paris. and makes up matters with his brother, and with the earl of Anjou. Hunt. M. Paris.

the last to Eustace earl of Boulogne his eldest son, who did homage to the king of France for it. Theobald finding he was not strong enough to stand against the two monarchs, thought fit to retire. However, he sent word to the king his brother, that although he was forced to give way, he did not desist from his pretensions, as eldest, both to Normandy and England. But he acted not according to this stout message. For shortly after he renounced his pretended right for the annual pension of two thousand marks °.

The union of the two kings had the same effect with regard to the earl of Anjou, whose pretensions, as husband to Matilda, were much stronger. It is true, he made some farther attempts upon Normandy. But after trying in vain to gain it by way of arms, he was forced to accept, as a favour, a pension of five thousand marks.

1138.

King of Scotland attacks England. G. R. S. p. 937. Hunt. J. Hagulst. Brompt. Gervas. M. Paris.

Matters being settled in Normandy, Stephen hoped to enjoy some repose in England, when advice was brought him that the king of Scotland had made an irruption into Northumberland <sup>p</sup>. Nay he was made to fear, and very justly too, that he was invited by the English barons to support the empress's right. For whilst David was ravaging the northern borders, some English lords had seized Bedford, and probably, did not intend to stop there. Upon this news, Stephen speedily returned into England, and, though it was in the midst of winter, laid siege to Bedford, never quitting it till he was master of the place <sup>q</sup>. After which, he marched towards Scotland, where David was retired.

A general revolt in England. Brompt.

Whilst he was employed in revenging on the Scots the mischiefs they had done the English, he was recalled by an insurrection of almost all the barons. This news surprised him, though one would think he should not wonder at the barons breaking their oath, since he himself had done the same with regard to Matilda. The malecontents complained, he had violated his promises in many particulars relating as well to the people as the church. But this was only a pretence to cover their private resentments. The true reason of their discontent was, their not being rewarded in the manner they expected. Ever since the king's accession, they had continually teased him with their requests, though he endeavoured one while by arguments, another while by pro-

Gervas. S. Dunelm. Malmsh. Hist. Nov. l. 2. p. 180.

° Of silver for three years. R. de Diceto, p. 506.

<sup>p</sup> He demanded Northumberland for his son Henry. J. Hagulst.

<sup>q</sup> It was held against him by Milo

de Beauchamp for the king of Scots, because Stephen would have taken the government of that place from him. The king sat down before the castle on Christmas-eve,

mises, and very often by actual grants, to satisfy the most importunate. But all this was not able to secure their allegiance, which was wholly grounded upon the expectation all had, of obtaining the same honours, the same estates, the same posts, which was impossible.

1138.

At the head of the revoltors was Robert earl of Gloucester<sup>r</sup>, who had artfully improved these dispositions to form a party in favour of the empress his sister, strong enough to place her on the throne. He is said to embark in this enterprise at the instances of certain monks, who represented to him how much he hazarded his salvation in obeying an usurper, contrary to his oath to Matilda. Hence it is evident, the monks were deeply concerned in the plot, and the earl of Gloucester probably, was not the only person to whom they had made the like remonstrances. Some historians add, the earl acted on this occasion from a motive of revenge for the king's attempting to poison him. But if it be true that Stephen had such a design, it is not likely, it was before the earl had taken arms against him. Be this as it will, as soon as Robert was sufficiently supported, he went to the empress and informed her of what he had done for her. After that, he wrote an abusive letter to Stephen himself, upbraiding him for the breach of his oath to Matilda, and charging him with drawing him, by his seducements, into the same crime. To this letter he added a manifesto, calling Stephen an usurper, and declaring war against him. The king returned him no answer, but confiscated all his estate in England<sup>r</sup>.

The earl of Gloucester head of the revoltors. Malmsh. Gervas.

He writes an abusive letter to the king, and publishes a manifesto. Malmsh. Gervas.

Mean time, Matilda's party daily growing stronger by the junction of the most powerful among the barons, the earl of Gloucester came into England, and got possession of Bristol<sup>r</sup>. At the same time other lords<sup>s</sup> seized upon several castles, that the former kings had caused to be fortified for the security of the crown, but which, on this occasion, served only to put it in danger. Stephen, finding himself thus forced to wage war with his own subjects, retook and razed several of these castles. Though he had great reason to

He gets possession of Bristol. Ord. Vital. Gervas.

<sup>r</sup> The other ringleaders, were, William Talebot, who seized the castle of Hereford; William Luvel, who secured that of Cari (perhaps Carew castle in Pembrokeshire;) Paganel, that of Ludlow; William de Moun, that of Dunstow; Robert de Nichole, or Lincola, Warham castle; Eustace Fitzjohn, that of Melton; William

Fitzalan that of Shrewsbury. Huntingd. M. Paris.

<sup>s</sup> And razed his castles, but those of Bristol and Slade. Malmsh.

<sup>t</sup> In which, and the other castles belonging to him, he put strong garrisons. Gervas.

<sup>u</sup> Even Milo, the high constable, forsook king Stephen. Ibid.

1138. fear in this so general a defection, yet he supported himself with his army of foreigners <sup>w</sup>, showing on all occasions an extraordinary courage, and a steady resolution to loose his life with his crown. He thought it strange, that the very persons who had shown the most zeal to raise him to the throne, should be the first to remove him <sup>z</sup>. As one is always inclined to flatter one's self, he could not see any thing in his conduct that deserved this return, and therefore ascribed it wholly to the fickleness of the barons. Nevertheless, their complaints were not entirely groundless. Besides that the king had not punctually observed his charter, the extraordinary favours bestowed on the foreigners, particularly on William of Ypres, his favourite, gave his subjects a very plausible pretence to complain. The severity also he used, upon the breaking out of the rebellion, in seizing the persons and estates of some of the barons on bare suspicions, added fresh fuel to the fire that was already too much kindled. In fine, the dissention grew to that height by mutual reproaches and daily Acts of hostility, that the malecontents sent Matilda word, they were ready to own her for sovereign, according to the promise made the king her father.

The king  
Scotland  
breaks the  
peace.  
Hoved.  
Huntingd.  
M. Paris.  
Brompt.  
J. Hagulf.

The king of Scotland fomented these troubles in favour of the empress his niece, though he was also uncle to Stephen's queen. When he found matters ripe, he once more entered Northumberland, and cruelly ravaged that county, which generally felt all the effects of the quarrels between England and Scotland. As Stephen could not then leave the heart of the kingdom, to go to the relief of the north, Thurstan, archbishop of York, undertook to oppose this invasion. He assembled the barons and gentlemen of the northern parts, and represented to them, that in this emergency, they were to depend upon themselves, it not being in the king's power to send them assistance, this consideration having the effect desired, they unanimously engaged to exert their utmost to repulse the enemy. Shortly after, each appearing with his troops at the general rendezvous, they all ranged themselves under the command of Walter d'Espec and Wil-

▼ Of Flemings, which were commanded by William d'Ypres. Ibid.

\* Upon the first news of the barons rising, it is reported he should say, since they have chosen me their king, why do they now forsake me? by the birth of God, (his usual oath) I will

never be called an abdicated king.  
Malmfb.

y Mary of Scotland, sister to the empress's mother, married Eustace earl of Boulogne, by whom she had Matilda, wife of Stephen. Rapin.



ham earl of Albermarle<sup>a</sup>, and advanced as far as Alverton<sup>a</sup>. Having resolved to expect the enemy in that place, they set up a mast, on the top of which they placed a silver pix with a consecrated host, and the banners of St. Peter and St. John of Beverly, to serve as an ensign where they were to meet again and rally in case of need. Hence this war was called the war of the standard. Ailred, abbot of Rievall, has given a particular description of the battle, but, as it seems to me of little moment, I shall only relate the success. The Scots, much superior in number, attacking the English in their intrenchments, were repulsed with the loss of twelve thousand men. Though the king of Scotland and Henry his son gave on this occasion astonishing proofs of their valour, they could not prevent their army from being entirely routed. It is said a bishop's harangue to the English, promising heaven to all such as were slain in the battle, did not a little contribute to the success of that day<sup>b</sup>.

1138.

The war of the standard. Ailred.

The Scots are defeated.

Hunt. Hoved.

Whilst his affairs were thus prosperous in the north, Stephen spread the terror of his arms in the heart of the kingdom. The Malecontents not daring to keep the field, gave him time to reduce their castles one after another without opposition. These conquests, joined to his late victory over the king of Scotland, astonished the earl of Gloucester. He expected quite another issue of this war, but when he saw his party daily diminishing, he had no other refuge but to go and solicit the empress to come into England, and encourage her friends by her presence.

Stephen reduces the Barons to obedience. Hunt.

The retreat of the earl of Gloucester, and the flight of some other lords of his party, procuring the king some respite, he resolved to pursue the Scotch war, so successfully begun. To that end, he advanced towards the north, and in his way took the castle of Leeds, after which, he continued his march to Scotland, where David retired after his defeat. His intent was to give him battle, but as David was unwilling to run any hazard in his own country, he carefully avoided all opportunities of fighting. However, fearing

He marches into Scotland. J. Hagulf. Brompt. Hoved. Mat. Paris.

<sup>a</sup> The other great men in this battle, were, Walter de Gant, Robert de Brus, Roger de Mowbray, William de Percy, Barnard de Baliol, Richard de Curcy, William Fossard, Robert de Stuteville, Robert de Lescy, William Peverel, Robert de Ferrers, Geoffrey Halsallin, &c. William de Albemarle was created earl of Yorkshire, and Robert de Ferrers earl of Derbyshire, for their bravery in this battle. J. Hagulf.

<sup>a</sup> Now North-Allerton in Yorkshire.

<sup>b</sup> The archbishop of York being disabled by sickness, appointed Ralph bishop of the Orcades to command in his stead, who made a long oration against the Scottish barbarities, and at the conclusion absolved all from their sins that should chance to fall in battle. The Orcades were not then under the dominion of Scotland. Huntingd.

1138.

he might be at length compelled to it, he resolved to *see* for peace. At any other time, Stephen would have made him pay dear for it, but at that juncture did not think proper to stand off. The truth is, the advantages he could expect from that war were not comparable to the mischiefs his absence might occasion. And therefore he concluded a peace with David, whereby prince Henry of Scotland, was put in possession of the county of Northumberland, and earldom of Huntingdon. In return for these advantages, David swore never more to concern himself in the quarrel between Stephen and the empress.

Makes peace  
with David.  
Hunt.

His affection  
for the prince  
of Scotland  
raises the  
jealousy of  
the English  
Barons.

Stephen  
gives the  
Scotch  
prince a  
singular  
Mark of his  
affection.  
Hunt.  
Brompt.  
Hoved.

Theobald  
elected  
archbishop  
of Canter-  
bury.  
R. Hagulf.

1139.

The king  
falls out  
with the  
clergy.  
Malmsb.  
Ord. Vital.  
Gervas.

The war being thus ended, the king returned into his dominions, attended by the prince of Scotland, who by his noble and generous carriage, had so won the heart of Stephen, that he loved him as if he had been his own son <sup>c</sup>. The king's caresses to the young prince raised the jealousy of the earl of Chester and some other lords, who, on pretence that the king placed him above them at his table, retired from court. But, supposing Henry's birth did not require that distinction, yet his merit deserved the king's particular regard; for, according to all the historians, he was an accomplished prince. Stephen continued, therefore, notwithstanding the jealousy of the English, to show him marks of his esteem, particularly in a case, which demonstrated his sincerity. This young prince, who had accompanied the king to the siege of Ludlow, approaching too near the walls, was like to have been pulled from his horse by an iron hook at the end of a rope, if Stephen, with the hazard of his own life, had not rescued him. An action which redounded as much to the honour of the king as of the prince for whom he testified so great an affection.

This same year Alberic, the pope's legate in England, called a synod, where Theobald, abbot of Bec, was elected archbishop of Canterbury, to the great satisfaction of the English, who had with regret beheld the metropolitan see vacant two years.

Stephen's late peace with Scotland, and his advantages over his domestick enemies, procured him a tranquillity which seemed likely to continue. And probably, it would not have been disturbed, if an unseasonable quarrel with the clergy, had not hurled him down from the height of grandeur and glory to the most deplorable state a sovereign could

<sup>c</sup> He married, during his stay in England, Ada, sister of William earl of Warren, Waleran earl of Mellent, and

Robert earl of Leicester, by whom he had three sons, Malcolm, William, and David. J. Hagulf.

possibly

possibly be reduced to. The bishops had been very instrumental in placing him on the throne. From that time their power was so much increased, that it was no less dangerous for the king to make them his enemies, than it was advantageous to have them in his interest at the time of his election. Nevertheless, his jealousy of their power, suffered him not to consider, with his wonted prudence, the danger he exposed himself to, in resolving to humble them. Roger, bishop of Salisbury, had two castles as strong as they were stately, one at the Devizes <sup>4</sup>, and the other at Sherborn, and was building a third at Malmesbury. Alexander his nephew, bishop of Lincoln, had built one at Newark, not scrupling to declare openly, it was designed as much for the security as the dignity of his church. Nigel, bishop of Ely, another of Roger's nephews, imitating the state of his uncle and cousin, affected a magnificence in his retinue and house, that excited the envy of some, and the indignation of all. When these three prelates came to court, they were attended with many armed followers, as if they designed rather to brave the king, than to pay him their respects. This pomp and grandeur procuring them enemies, there were some that took occasion to whisper in the king's ear, that he could not be safe as long as the bishops were so powerful. His suspicions were further confirmed by the rumour of Matilda's preparing to come into England, where she had a strong party. Though the bishop of Salisbury had been a principal instrument of Stephen's election, yet he fancied him gained by Matilda, and in this belief formed a design to humble the pride of the bishop and his nephews. It was not long before an opportunity offered. In a general assembly held at Oxford, the retainers of the bishop of Salisbury quarrelling with those of Alan of Bretagne, earl of Richmond, one of the earl's knights chanced to be killed in the scuffle, and many wounded on both sides \*. The bishop's men had the advantage, being assisted by those of the bishops of Ely and Lincoln, and of the chancellor, who passed for Roger's

1139.

Their great  
pride.  
Malmsh.  
Huntingd.  
Brompt.

The king  
grows suspi-  
cious of  
them.

Upon a  
quarrel at  
Oxford, the  
king sum-  
mons them  
to appear at  
his court.  
Gervase.

\* King Stephen was informed they were fortifying that castle against him, which was the reason of his seizing it. Gervase.

• Gervase gives this account of the matter, the king, when he heard that the castle of Devizes was fortifying against him, sends for Roger bishop of Salisbury to come to him at Oxford. The bishop suspecting the king meant

him no good, brings along with him his two nephews, the bishops of Lincoln and Ely, and a very large retinue well armed. The king, upon their approach, being afraid of some treachery, orders his men to stand upon the defensive: Whilst the king and the bishops were conferring together, a quarrel arose between the king's and the bishop's attendants, &c.

1139. nephew, though in truth he was his son <sup>f</sup>. The king, willing to improve this occasion to mortify the whole family, summoned them all four to appear at his court, and answer for this riot of their domesticks. This summons was just and legal, but the satisfaction demanded by the king was excessive. He was not content with the penalty enjoined by the law in the like cases, but insisted upon the bishops delivering into his hands all their castles, as a security for their future allegiance. This demand seeming too exorbitant to the prelates, they desired time to consider of the matter. Whilst the king waited for their answer, the bishop of Ely absented himself, and retired to Roger his uncle's castle at the Devizes. This slight breaking off the accommodation, the king went immediately and laid siege to the castle, where was also Matilda, wife or concubine of the bishop of Salisbury. The place being very strong, the king, who foresaw the difficulty of the siege, bethought himself of an expedient to put an end to it without loss of time. He ordered the bishop of Salisbury and the chancellor to be led up close to the wall <sup>g</sup>, and sent word to Matilda, unless she delivered up the castle, the chancellor should be immediately hanged, neither should the bishop eat or drink till it was surrendered. These threats producing the effect he expected, she delivered up the castle <sup>h</sup>, where he found forty thousand marks in ready money. The bishop of Lincoln purchased his liberty, by surrendering to the king his castle of Sleaford. Shortly after, Stephen became master likewise of the castles of Salisbury, Malmesbury, and Sherborn. With the money, found in these places, where the bishops kept their treasures, he purchased the friendship of the king of France, and made an alliance with him. This alliance was cemented by the marriage, of Eustace, son of Stephen, with Constantia, sister to Lewis the young, who succeeded Lewis the gross, his father.

The king's severity to the bishops very much displeased all the clergy, who made loud complaints. The archbishop of Roan, being then in England, was the only one not offended at it. He was of opinion that, without striking at the immunities of the church, the king might dispossess the

<sup>f</sup> Roger, the king's chancellor, was the bishop's son by Maud of Ramsbury his concubine. Tyrrel.

<sup>g</sup> The bishop was unbound, but the chancellor was led in fetters with a halter about his neck. Malmesb.

<sup>h</sup> Maud delivered up the Keep, or chief place of strength, and so forced the bishop of Ely to surrender the whole castle, in consideration he might have his liberty. Ord. Vital. Nigel was banished. R. de Diocto.

1139.  
Malmesb.

He seizes  
their castles.  
Ord. Vital.

Hunt.  
Gervaise.

Brompton.

Eustace his  
son married.

The clergy  
are dissatis-  
fied.  
Malmesb.  
Brompt.  
Hoved.

bishops of their fortified castles, which concerned not their privileges as churchmen. But the bishop of Winchester, lately made legate for England, was not of his mind. This prelate was secretly displeased with the king his brother, for not admitting him into the administration of affairs <sup>1</sup>. He expected otherwise, when he laboured so heartily to place him on the throne. But finding there was no likelihood of his having for the future any share in the government, he eagerly embraced this opportunity of creating him trouble, under pretence of maintaining the rights of the church. To that purpose, he called a synod at Winchester, and summoned the king to appear and give an account of his actions. At the opening of the synod, he aggravated in a virulent Latin speech all that Stephen had done against the three bishops. He exhorted the prelates vigorously to maintain the rights of the episcopal dignity, and the privileges of the church <sup>2</sup>, protesting he would put in execution the decrees of the council, though it cost him the friendship of the king, the loss of his estate, and even life itself. Stephen had sent to the council some lords, with Alberic de Vere a famous civilian <sup>3</sup>. As soon as the legate had ended his speech, these lords demanded, why the king was summoned thither. The legate answered, to give a reason of his imprisoning the bishops, and despoiling them of their estates, a crime, added he, hitherto unheard of in the christian world. Alberic, taking him up, said, the prelates were punished not as bishops, but as the king's servants. The bishop of Salisbury not relishing that distinction, roundly told him, the bishops could not, in any respect, be considered as the king's servants. The majority of the synod being of the same opinion, the archbishop of Roan, who thought, the episcopal dignity did not render a subject independent, endeavoured to set them right. He demanded, whether they could clearly prove by the canons, that bishops ought of right to have fortified castles? but, suppose (says he) you can prove such a right by the canons, ought you not to commit your castles to the king's disposal, when the kingdom is threatened with an invasion? is it not the king's business to take care of the safety of the state? and can subjects refuse to admit him into their castles without incurring the guilt of rebellion? These arguments not prevailing with the bishops to desist

1139.

The bishop of Winchester undertakes the cause of the clergy, and cites the king before a synod. Malmsh. Hoved. M. Paris.

M. Paris, p. 77.

Archbishop of Roan pleads for the king.

<sup>1</sup> Or rather, because he had not been made archbishop of Canterbury. Oervas.

<sup>2</sup> He insisted chiefly on the bishop of Salisbury being seized in the very

chamber of the court or great council, and the bishop of Lincoln in his lodging. Malmsh.

<sup>3</sup> Ancestor of the earls of Oxford.

1139. from their pretension, the legate moved to excommunicate the king, and send deputies to Rome to carry their complaints to the pope. Then the lords sent by the king, thought it time to speak in a higher tone. They declared,

The legate proposes to excommunicate the king.

Deputation to the king.  
M. Paris.

if the synod offered to excommunicate the king, the bishops would soon have cause to repent, and if any presumed to go to Rome, on such an occasion, their return would be very difficult. This declaration made such impression on the bishops, that none of them were willing to expose themselves to the king's resentment, to gratify the legate. Accordingly, the synod being satisfied with ordering a deputation to the king to demand a suitable reparation, broke up after a three day's session. Pursuant to this resolution, the legate and archbishop of Canterbury went to the king, and earnestly besought him to prevent a rupture between the ecclesiastical and secular powers. Which was, in plain English, requiring him to make ample satisfaction to the clergy, otherwise a rupture was unavoidable, for this was the real meaning of their words. It cannot be conceived on what other foundation the clergy then pretended to be independent of the crown, than their being grown so powerful that they thought, the king could not stand without them. Formerly, during the empire of the Saxons, the bishops thought it an honour to be ranked with the Thanes, that is, with the king's servants. After the Norman conquest, William I. threw the bishops into prison upon bare suspicions: some he banished, others he deprived of their bishopricks, without any one's daring to stir, and the people looked on unconcerned. But in the reign of Stephen, it was an unheard of crime to dispossess the bishops of their castles, and an unpardonable rashness to style them the king's servants. For some time past, the clergy had established it as a maxim, that the main of religion consisted in upholding the church in all the privileges and immunities she herself was pleased to assume.

The people side with the clergy.  
Malmfb.  
Ord. Vital.  
Matilda comes into England.  
Ord. Vitalis.  
Brompt.  
Malmfb.  
P. 185.

Be this as it will, the people were all in combustion upon this occasion, as if themselves had been deprived of their liberties. The whole kingdom swarmed in an instant with malecontents, who only wanted a leader to command them. In fine, the clergy's faction was so strong, that most of the lay lords came over to their side and espoused their cause. The empress thinking this a favourable juncture, resolved to improve it and go into England, though she had but one hundred and forty men to attend her. This was a very inconsiderable number for the undertaking, she was meditating, but

but she relied on a powerful aid from the malecontents. She took up her first quarters at the castle of Arundel, belonging to the queen dowager, as part of her dowry<sup>m</sup>. The earl of Gloucester, who came with his sister, thinking her safe in a place where she was received with all the respect due to her rank, left her and went to Bristol. Mean while, Stephen, who was besieging Marlborough, being informed of Matilda's arrival, suddenly raised the siege and marched towards Arundel. Upon the king's approach, the queen dowager repented of admitting Matilda, fearing it might occasion the loss of her castle, with all the privileges she enjoyed in England. On the other hand, honour and honesty would not suffer her to deliver her guest into the hands of her enemy. To get clear of this perplexity, she sent the king word, if he insisted upon the delivery of the empress, she was no less bent, on her side, to protect her, till some or other came to her relief. But withal she desired him to consider, she had not entertained her as an enemy to the king, but as her daughter-in-law, widow of a great emperor, to whom she could not be excused from paying the respect due to her. That her intent was not to countenance her designs against him, but only to prevent any ill from befalling her whilst under her roof. In fine, she proposed to the king that Matilda might have leave to retire to some other place, where it would be as easy to besiege her as in Arundel castle. That by this generosity he would oblige a queen, widow of a great monarch, his uncle and benefactor, without the least detriment to himself. Whether Stephen was sensible it was not in his power to take the castle before it was relieved, or thought himself bound to oblige the queen so far, he gave his word, Matilda should be safely conducted to Bristol, which was accordingly done<sup>n</sup>. But he had too much reason to repent afterwards of his being so generous. Matilda, after some stay at Bristol, removed to

1139.

Gervas.  
M. Paris.  
Huntingd.

Malmsh.

Is besieged by  
the king in  
Arundel  
castle,  
Gervas.

and conduct-  
ed safely to  
Bristol.  
Malm. ibid.

<sup>m</sup> Adeliza, the beautiful daughter of Godfrey, first earl of Brabant, was wife of Henry I. fourteen years, who gave her in dower the castle and earldom of Arundel. She was afterwards married to William de Albini, in her right earl of Arundel, by whom she had William (and from him, by the Fitzalans, earls of Arundel, Thomas Howard, the present duke of Norfolk and earl of Arundel derives his descent) and Godfrey de Albini, and Alice, wife of John

earl of Augie. Sandford geneal. p. 27.

<sup>n</sup> By the bishop of Winchester. Gervase. The anonymous author of this king's actions, says, Stephen was persuaded to it by the bishop of Winchester, for fear the earl of Gloucester might subdue great part of the kingdom, whilst the siege should last. This advice, whether given sincerely or to ruin the king, the author does not determine.

1139.

Matilda  
gains both  
the nobles  
and clergy.  
G. R. S.  
p. 945.

1140.

A civil war.  
Malmsb.  
Sax. Ann.  
Gervas.

Gervas.

The bishop  
of Winchester  
sides  
with the  
king.  
Malmsb.

Gloucester \*. Whilst she remained in these two cities, she so artfully managed in her favour the discontents of the clergy and nobility, that she gained them both to her interest, and by their means, almost the whole body of the people. There adhered to the king only a few barons, and his foreign army, which, though ill paid, served him faithfully †.

I shall not undertake to relate the particulars of this civil war, which, like the rest of that kind, furnishes more instances of treachery and cruelty, than of glorious actions. I shall content myself with observing the principal events. Whilst it lasted, the whole kingdom was divided, every city, county, and person siding with the king or the empress, according as they were swayed by passion or interest. The lords, nearest in neighbourhood and blood; fell upon one another in a cruel manner, burning the houses, and pillaging the vassals of each other, so that a terrible confusion was quickly spread over the whole kingdom. In this fatal anarchy, the barons, acting as sovereigns, grievously oppressed the people, and were so presumptuous as to coin their own money. On the other hand, the king and Matilda, instead of redressing, connived at these proceedings, fearing the calling their friends to account would make them change sides. Moreover, the foreign soldiers, of whom Stephen's army entirely consisted, occasioned still further disorders. As the king was not able to pay them duly, he was forced to suffer them to plunder the poor people, who, though innocent, felt the greatest share of the calamities such a war produces.

Mean time, the bishop of Winchester, being at last sensible of his error in raising a storm, which he foresaw would infallibly overwhelm the king, his brother, suddenly changed sides. He reflected, that being brother to Stephen, he himself would certainly be involved in the same ruin with him, and consequently, it was his interest to support him, instead of promoting his destruction. And therefore, desirous of regaining the king's confidence by some important service, he drew to Winchester a good number of lords, friends to Matilda, and detained them prisoners, till they delivered their castles to the king,

\* Where she was received by Milo the king's constable, who was deputy governor of the castle under Robert. Malmsb. This Milo is called de Gloucestrâ comes constabularius, and regis

constabularius. Con. Flor. Wig.

† This year, one Ralph, a clergyman belonging to the bishop of Ely, formed a conspiracy to kill all the Normans in England, R. de Diceto.



Amidst all his difficulties, Stephen showed a firmness that kept many from deserting him, which, doubtless, they would have done upon the least signs of faint heartedness. For it is always the case, when, on the like occasions, princes seem to distrust their fortune or abilities. Instead of being daunted at the violent shocks he received, Stephen daily endeavoured to remedy, by his valour and prudence, the evils he suffered by the revolt of his subjects. He even hoped to put an end to them at once, by laying siege to Wallingford, where Matilda and the earl of Gloucester were shut up. But meeting with more difficulties in this siege than he imagined, he turned it into a blockade. He was no sooner retired, but the earl of Gloucester got out of the castle, and went and seized Worcester, whilst the barons of his party ravaged the counties of Chester and Nottingham.

1140.

Stephen's undauntedness.

He besieges Matilda in Wallingford and changes the siege into a blockade. Sax. Ann. Gervase.

Mean time Matilda, finding herself too closely pent up in Wallingford, found means to get from thence and retire to Lincoln. As soon as the king had notice of it, he formed the design of surprising her, well knowing, Lincoln, where she is besieged, but he had many friends, could not be defended by the few troops Matilda had with her. He would have taken his rival in that place, which held out but a few days, had she not contrived to escape, whilst the articles of the capitulation were drawing. Stephen, missing his aim, retired without leaving a garrison in the town, for fear of weakening his army. He was hardly gone, when he was informed that the earl of Chester, son-in-law of the earl of Gloucester, was come thither with his wife and brother, to keep their Christmas. His great desire to have these three persons in his power, made him march back with such speed that the earl had but just time to retire into the castle, which was immediately invested. However, he found means to escape to the earl of Gloucester, to desire him to come to the relief of the besieged, who could not hold out long. The earl of Gloucester, willing to deliver his own daughter, drew all his troops together, and marched to Lincoln with that speed, that he was like to surprise the king, who never imagined him so near. Having forded the Trent, which the king thought impracticable, he came on a sudden so close to the

Matilda retires to Lincoln, where she is besieged, but escapes. Malmsh. Hunt. M. Paris. Brompt. Gervase. Hoved.

Ord. Vital. p. 921.

Stephen besieges the castle of Lincoln.

The earl of Gloucester comes to its relief. Battle of Lincoln. Gervase. Malmsh.

<sup>1</sup> And went and laid siege to Malmshbury, Troubridge, and Cerne castles. Gervase.

<sup>2</sup> Ranulph de Geroniis, fourth earl of Chester. He is said to be poisoned in

1155, by Maud his wife (youngest daughter of Robert earl of Chester) and William Peverel, lord of Nottingham.

<sup>3</sup> William de Romara, Sax. Ann.

1140. royal army, that neither side could possibly avoid fighting. The two armies being drawn up, the battle began, which for a long time was fought on both sides with equal bravery<sup>t</sup>. But at length the king's horse, consisting of Flemings and Bretons, giving ground, they were so vigorously pressed, that they could never rally more. The earl of Gloucester improved this advantage, not to pursue the flying horse, who were incapable of hurting him, but to fall on the king's infantry, who being destitute of the assistance of the cavalry, took to flight also.

Stephen  
taken pri-  
soner,  
Malmsh.

Mean time, Stephen, who could not bear the thoughts of flying, was left almost alone, and on foot, in the midst of the field of battle, assailed by multitudes, but resisting all their efforts with an astonishing valour. If the horse had rallied in the mean while, he might have freed himself from this danger, to his immortal fame. But destitute of all assistance, he was forced at length to yield to numbers, being surrounded on all sides. However, it was not till the last extremity, for his battle ax breaking by the force of his blows, he drew his sword, and defended himself for a considerable time, foaming with rage to see himself thus abandoned by his army. At length, after performing more than could naturally be expected from a single person in his condition, his sword flying in pieces, and little more than the hilt remaining in his hand, he was knocked down on his knees with a stone. Whereupon William de Kains a valiant knight ran in, and, seizing him by the helmet, presented his sword to his throat, threatening to kill him unless he yielded himself prisoner. Notwithstanding the extreme danger he was in, he refused to surrender to any but the earl of Gloucester, who by good fortune was near at hand. As soon as the earl had him in his power, he conducted him to the empress<sup>u</sup>, who ordered him to be confined in the castle of Bristol, where he was ignominiously laid in irons<sup>v</sup>.

Huntingd.  
Gervase.  
Hoved.

and laid in  
irons.  
Malmsh.  
Gervase.

<sup>t</sup> The king's chief officers in this battle, were, Alan earl of Richmond, Robert count de Mellent, Hugh Bigod, earl Simon, the earl of Warren, earl of Albemarle, William of Ypres. Gervase. M. Paris.

<sup>u</sup> Who was then at Gloucester, Gervase. This battle was fought on Can-  
dlemas day. Sax. Ann. The chief persons made prisoners, were, Bernard de Baliol, Roger de Mowbray, Richard de Courcy, William Fosiart, Baldwin,

Richard Fitzursin, William Peverel, William Clerfeith, &c. William earl of Albemarle, retired during the fight. J. Hagulst. Gervase.

<sup>v</sup> Malmshodry says, he was honourably used at first, but, at length, by the instigation of some who pretended, he had been several times beyond the bounds of his confinement, he was put in irons. Malmsh. He was not laid in irons till after Matilda's flight from Oxford. Gervase. M. Paris.

Whilst this unfortunate prince was in so deplorable a condition, Matilda improved the advantages lately gained by her arms. All England deserted the captive king, except London and Kent, where he had still some friends left by the means of the queen, his spouse, Eustace, his son, and William d'Ypres his favourite. The barons who preserved their allegiance, retired to London, where they had interest enough to gain admittance, and prevail with the citizens to make a confederacy with them in favour of the king. Normandy soon followed the example of England. No sooner had the earl of Anjou received advice of the king's imprisonment, but he repaired to Normandy, to cause the empress his wife to be acknowledged, which he easily accomplished. At the same time, the king of Scotland, breaking the late treaty, invaded the northern counties, under pretence of assisting the empress, but in reality for his own private advantage.

The victory of Lincoln seemed at once to place Matilda on the throne, but there was one obstacle more to surmount, before she could hope to enjoy the fruits of her success, which was, to gain the bishop of Winchester. This prelate, who, by his dignity of legate was at the head of the clergy, might possibly set that powerful body against her, whose example had great influence upon the nobles and people. She deemed it necessary therefore to endeavour before all things to win him from the king, and with this view went to him at Winchester. He made some difficulty at first to hearken to her proposals. But upon her offering him the disposal of all the church preferments, he threw up the cause of the king his brother, and promised to use his endeavours to procure Matilda the suffrages of the clergy. He even took his oath to her beforehand \*, but with this limitation, that it should be binding no longer than she kept true to her promises. On the morrow, he received her with great pomp in the cathedral church, where he solemnly excommunicated all the king's friends, and absolved all those that should abandon his party and come over to the empress. Shortly after the archbishop of Canterbury swore likewise to Matilda. But he was so scrupulous as to procure the king's

1141.

Matilda makes a great progress.  
Hastings.  
Prompt.  
M. Paris.

Earl of Anjou seizes Normandy.  
Malmesb.  
Gervase.

The bishop of Winchester comes over to Matilda.  
G. R. S.  
p. 953.  
Malmesb.  
J. Hagulf.

Gervase.

The archbishop of Canterbury swears to Matilda.  
Malmesb.  
Gervase.

\* And likewise Matilda herself, Robert earl of Gloucester, Brian Fitzcount marquis, i. e. governor of Wallingford, and Milo (afterwards earl of Hereford) &c. bound themselves by oath to the

bishop of Winchester, that he should have the chief management of affairs, the disposal of church preferments, &c. For this purpose there was a convention in the fields near Winchester. Malmesb.

1141. consent first, which he went to ask himself of Stephen in prison.

The legate  
calls a synod  
at Winchester,  
who elects Ma-  
tilda.  
Malmab.

There was nothing more wanting to Matilda but the seal of publick authority to be really queen of England. But, though she was sure of the consent of the temporal lords, she was apprehensive of meeting with opposition from the clergy, who probably, would be more scrupulous on account of their oath to the king. The legate taking upon him to accomplish this affair, called a council at Winchester, where all the bishops and abbots were present. The day before the opening of the synod, the legate privately conferred, first with the bishops, then with the abbots, and lastly with the arch-deacons. It is not known what passed at these private conferences, but it was plain, next day, what use the legate was willing to make of them. As soon as the council was assembled, he made a long speech, endeavouring to show that the male administration, insincerity, and tyranny of Stephen, had been the sole cause of all the troubles in the kingdom. He owned that indeed he had pledged his faith for him, when the necessity of affairs had, as it were, compelled the English to place the crown on his head: adding, he was deceived the first, and with extreme grief saw himself obliged to revoke his engagement. He insisted upon his former oath to Matilda, adding it was more reasonable to regard the orders of his eternal Father, whose will it was that justice should be done the empress, than the interests of a natural brother. Then he said, he had done all that lay in his power to make Stephen sensible of his errors, even to the summoning him before a synod, but that all his brotherly and kind admonitions had proved ineffectual. That this obstinancy was a clear evidence to the English, what calamities they would have been exposed to under the government of such a prince, if it had not pleased divine Providence to give sentence against him by suffering him to be imprisoned. In fine, since God's judgments were now fallen on the king whom they had elected, they were to atone for their fault, by restoring the crown to the princess, to whom of right it belonged. I have, therefore, continues he, convened you, by virtue of the apostolick power committed unto me, to consult about the means of appeasing the troubles of the state. This affair was debated yesterday in the presence of the greatest part of the clergy, who beyond all dispute have a principal share in the election of the kings. And therefore, after mature deliberation, we have determined

mined to acknowledge Matilda, daughter to the incomparable king Henry, for queen and sovereign of England 7.

1141.

Most of those that were present, and not in the secret, were extremely surpris'd at this speech, and much more to see an election transacted in private by the clergy, after an unprecedented manner. Nevertheless, every one keeping a profound silence, for some were gained, and others dared not to oppose it openly for fear of not being seconded, the silence was interpreted for an approbation. The legate told them further, he had summoned the magistrates of London, and that they had promised to send their deputies. And indeed on the morrow the deputies arrived, but instead of consenting to what the council had done, they declared they were ordered by the city and the barons that were retired thither, to petition the king's liberty. The legate replied, it became not the Londoners to side with the barons, who had basely deserted their king in battle, and were endeavouring to embroil the kingdom in fresh troubles. This answer, so far from the point, not being satisfactory to the deputies, they demanded one more direct, but in vain. The legate did not think fit to re-examine a thing, which he pretended was already decided. Before the end of the synod, a chaplain to Stephen's queen, offered to the council a letter, which he delivered to the legate. But because the prelate, after perusing it himself, would not communicate it to the assembly, the chaplain boldly took it out of his hand, and read it aloud. This letter, wherein the queen earnestly intreated them to set the king at liberty, proving of no effect, the council broke up, after excommunicating all Stephen's adherents.

Deputies from London in vain petition the king's liberty. Malmsh.

As does the queen.

Stephen's adherents excommunicated.

This affair being thus ended, the empress wanted only the consent of the Londoners, in order to her coronation. For that purpose, she was obliged to enter into a negotiation with the city, which lasted some time. Mean while, Matilda advanced as far as Reading, where Robert d'Oily, governor of Oxford, came and offered her the keys of his castle, humbly entreating her to honour that city with her presence. She readily complied with his request, and, after receiving the oath of the inhabitants of Oxford, and the adjacent country, removed to St. Albans, where she waited for the resolution of the Londoners. The city was then over-run with troubles and confusion. Some were for con-

London declares for Matilda. Malmsh. Gervase. R. de Dicet.

7 — Filiam pacifici regis — in Angliæ Normannique dominam eligimus, & ei fidem & manutene-  
mentum pronutimus. Malmsh.

1141.

tinuing steadfast to the king, though a prisoner: others for giving way to the times, and recognizing Matilda. These last prevailing at length, the empress came to London, where she was magnificently received amidst the great numbers of barons that attended her. The city of London declaring thus for Matilda, there was no farther opposition, and now the preparations for her coronation were begun. Mean while Matilda was every where acknowledged for sovereign.

Matilda  
treats the  
queen ill.  
Con. Flor.  
Wig.  
Brompt.  
Gervase.

During this interval, Stephen's queen came to the empress, to try to prevail with her for some condescension to her husband. As she despaired of ever seeing him on the throne again, she desired nothing more than his liberty. She promised, in the name of that unfortunate prince, that, content with living as a private person, he would renounce the crown, and to remove all suspicion, depart out of the kingdom, and pass the residue of his days in a monastery. He even offered to swear never to return more, and give hostages for the performance of his promises. But such were the times, that there was no reliance on words or oaths, there having been so many late instances of the ready violation of both. Accordingly Matilda rejected all these proposals with great haughtiness, forbidding the unfortunate queen ever to come into her presence again.

Matilda  
falls out  
with the  
bishop of  
Winchester,  
Malmib.  
Gervase.  
J. Hagulst.

The bishop of Winchester became also a petitioner to her, but had as little reason to be satisfied with her generosity. Imagining, the service he had lately done her, highly deserved some return, he desired a favour for Eustace his nephew, which was proudly denied him<sup>2</sup>. This was sufficient to excite the bishop to a revenge. He was in hopes, the new queen would be guided by his councils, but plainly saw, she looked upon him as an enemy. His turbulent and vindictive temper not suffering him to rest under these circumstances, he began from that instant to plot against Matilda, burning with desire to make the ungrateful princess know, it was no less in his power to pull her down, than to set her up. But perhaps he would have found it difficult to accomplish his project, if the empress herself had not furnished him with the means by her extreme pride, which made her regard her subjects as so many slaves. Fatal policy! which created her many enemies, at a time when she

<sup>2</sup> The bishop petitioned the empress to confirm the titles of earl of Mortagne and Boulogne to Eustace, whose

mother was daughter and heir of the earl of Boulogne. Malmib.

ought rather to have laboured to gain the English by mild and popular methods. She drew upon herself chiefly the hatred of the Londoners, by refusing to grant the only thing they petitioned, and which the king her father had positively promised, namely, to mitigate the severity of the Norman laws, and revive those of king Edward. This ill-advised princess thought herself so far above all contradiction, that she neglected to imitate the conduct of her predecessors, in amusing her subjects with promises at least, till her authority was more firmly established. Her haughty carriage soon wrought a great change in the minds of the English. They began to be sensible what danger they were in, of being unhappy under her government, unless timely care was taken to prevent the impending evils. The bishop of Winchester cherished, to the utmost of his power, these discontents, and by secret emissaries at London, stirred up the citizens to revenge the contempt Matilda had shewn them. His cabals were carried so far, that he drew them into a plot to seize the empress's person. What care soever was taken to conceal this design, she had timely notice of it, and left the city in such haste and in so great a fright, that her palace and goods were exposed to the fury of the populace.<sup>a</sup> Though the legate missed his aim, he thought, he had not a little forwarded the execution of his project, in engaging the Londoners against Matilda. Secure of their assistance, he privately concerted measures with the queen his sister-in-law. After which, he sent word to Eustace to be ready to march with the Kentish-men, promising him, he should soon be at the head of a more considerable army. Having taken these measures, and secretly gained to the king's party several lords who were displeased with the empress, he ordered the castle of Winchester, and some others that were at his disposal, to be stored with provisions and arms.

As all this could not be transacted without Matilda's knowledge, she put herself at the head of her troops; attended by the earl of Gloucester<sup>b</sup> and the king of Scotland, who was come into England, to assist at the coronation<sup>c</sup>.

As

<sup>a</sup> She fled to Oxford, and from thence in a great hurry went to Gloucester, where having conferred with Milo, she returned to Oxford; and, after some time, advanced towards Winchester, where she came about August; but finding that city was a-

gainst her, she took her lodging in the castle. Gervase.

<sup>b</sup> Gervase says, he knew nothing of it.—Ignorante fratre suo Roberto.

<sup>c</sup> There was likewise with the empress, Milo (whom she had lately made earl of Hereford), her constant friend, and

1141.  
and likewise with the Londoners, Brompt. Gervase. G. R. S.

who lay a plot to seize her person. Sax. Ann. Brompt. Gervase.

The legate: confers with the queen his sister-in-law. Malmsh.

Matilda tries in vain to seize the legate. Malmsh. Brompt.

1141. As soon as she approached Winchester <sup>d</sup>, she sent the bishop word, she had something to communicate to him, and therefore desired him to come to her. The prelate suspecting she was informed of his proceedings, easily perceived this was only an artifice to ensnare him. Accordingly, instead of waiting upon her, he sent her an ambiguous answer <sup>e</sup>. At the same time he stole out of the town at an opposite gate, and drew his friends together, who only waited his orders to put themselves in motion. As they were all ready, they were quickly in arms. The Kentishmen joining the Londoners, Stephen's queen, Eustace, his son, and William d'Ypres, headed them, and marched to Winchester with the utmost speed. They had like to have surprised the empress, who scarce had time to retire into the castle. As the inhabitants of Winchester appeared a little too zealous in her cause, the bishop, out of revenge, set fire to the city, though the capital of his diocese. Twenty churches were burnt to ashes, with a nunnery, which bore the name of St. Grimbald <sup>f</sup>.

The bishop's care to provide the castle with ammunition, rendered the siege very long and difficult. The besiegers applied themselves closely to it for two months, in hopes of ending the war at once, by taking the heads of the contrary party. The same reason obliged the besieged to think of their safety. When they found there was no possibility of holding out any longer, they resolved to hew themselves a passage with their swords, and run all risks to secure the empress's person. To that purpose they sallied out in good order, Matilda and the king of Scotland marching in the front <sup>g</sup>, and the earl of Gloucester bringing up the rear <sup>h</sup>. They were no sooner out, but the king's troops closely pursued them, endeavouring by frequent attacks to retard their march, whilst the rest of the army was advancing to fur-

and who had borne the expences of her household from her first coming to Gloucester, which was then two years: and this the continuator of Florence of Worcester says he had from his own mouth.

<sup>d</sup> Or rather, after she was got into the castle. Malmsb.

<sup>e</sup> Parabo me, I will prepare myself. Malmsb.

<sup>f</sup> Malmsbury says, whilst the empress was blocked up, fire was thrown from the bishop's tower upon the citizen's houses, because they were more

inclined to her than to him. This fire took hold of a nunnery within the city, and burnt it down, with the abbey called the Hide without the city, and above twenty churches. Malmsb. Gervase. This city was burnt down August 2. Gervase. Andover was also burnt, and Wherwell by William d'Ypres. Malmsb. p. 190.

<sup>g</sup> And Reginald earl of Cornwall, her brother.

<sup>h</sup> He went out another way, and was taken in a place called Stoubregge, with the earl of Warren.

round



round them. In all these skirmishes, the earl of Gloucester vigorously opposed his enemies, and gave signal proofs of his conduct and valour. But his efforts, which indeed were very serviceable to Matilda, as they gave her time to retire, proved fatal to himself. As the empress's danger made him neglect his own safety, he would march the last through a narrow defile, where his troops were hard pressed by the enemies, and himself unfortunately taken prisoner <sup>1</sup>. William d'Ypres, to whose charge he was committed, ordered him to be forthwith conducted to Rochester in Kent, where the king had more friends, than in any other part of the kingdom.

1141.

Earl of Gloucester taken prisoner.  
R. Diceto. Brompt.

Mean time, Matilda, making all possible speed, escaped with a few followers to the castle of Lutgershall, and from thence to the Devizes. Here she repoled herself a little, thinking she had time enough to reach Gloucester. But when she came to pursue her journey, she had intelligence, the road was lined with the king's foldiers. If we may believe an historian, much given to the marvellous, she escaped their vigilance, by being carried to Gloucester in a coffin, which no body would ever have thought to search. Be this as it will, it is certain she found means to avoid this danger.

Matilda escaped by a stratagem. Gervase.

Brompt. P. 1032. Gervase. Knighton.

Whilst the empress was devising expedients to resist her enemies, the bishop of Winchester and the rest of the king's friends were endeavouring to disengage the earl of Gloucester from his sister's party. But all their solicitations, and the considerations of his present state, could not shake him. He firmly persisted in the allegiance he had sworn to her, and would not even dissemble to procure his liberty. In fine, after six months imprisonment, Matilda, who had a tender affection for him, and very justly, and besides could not well proceed without him, consented he should be exchanged for the king. In vain, were endeavours used on this occasion, to make peace between Stephen and the empress. As the things they both claimed was of a nature not to admit of division, there was no possibility of succeeding. The exchange therefore was all that could be done, each being left at liberty to prosecute the war.

The king is exchanged for the earl of Gloucester. Malmsh. Brompt. Gervase.

After the bishop of Winchester resolved to abandon the empress, he writ to the pope, to entreat him to authorise his proceedings in behalf of the king his brother. As the pope had no information of what passed in England, but from

The pope writes to the legate in favour of the king. Malmsh.

<sup>1</sup> Milo the constable. escaped, and came, almost naked, to Matilda at Gloucester. Gervase. Malmsh.

his

1141.

Synod at  
Westmin-  
ster,  
Malmsh.  
Gervase.

where Ma-  
tilda's ad-  
herents are  
excommu-  
nicated.

Malmsh.

1142.

The earl of  
Gloucester  
demands  
aid of the  
earl of An-  
jou.  
Malmsh.  
Gervase.  
M. Paris.

his legate, he did not fail to answer him according to his wish. His answer was received a little after Stephen's release. In this letter he blamed the prelate for neglecting so long to replace his brother on the throne, ordering him to try all ways for his restoration. To this he added an express permission to use both temporal and spiritual arms to accomplish that end. Supported with this authority, the legate summoned a council at Westminster, where the pope's letter was read. The king, who was present, bitterly complained of some of his subjects, who, not content with waging war against him, had long detained him in a dishonourable imprisonment. Then the bishop of Winchester, in a rhetorical harangue, endeavoured to justify his late conduct and the frequent breach of his oaths. But he would have found it very difficult to purge himself, had he not been favoured by the present conjuncture. He concluded his speech with excommunicating all the adherents of the empress as enemies to the publick peace. The people were not pleased to see themselves thus liable to such opposite excommunications, according to the humour of the legate. However no one dared to complain, well knowing it would be to no purpose. Only a lay-messenger of the empress, by her order, charged the legate to his face, that it was by his invitation she came into England. He had even the boldness to tell him, his brother's hard treatment in his imprisonment was owing to his advice. The legate made no reply to these reproaches, but resolved to complete his revenge, by entirely ruining Matilda's affairs.

Upon Stephen's recovering his liberty, Matilda's party declined so visibly, that the earl of Gloucester was afraid it would come to nothing, unless supported by foreign aid. This apprehension made him resolve to pass into Normandy, and solicit the earl of Anjou<sup>k</sup> to maintain his wife the empress's right, which was also his son's. But the earl was too much embroiled in domestick troubles to send any great succours into England. The Anjovin nobility were dissatisfied with him, and the Normans were not yet sufficiently settled in his obedience, for him to venture to remove from them, or leave their country unprovided with troops<sup>l</sup>. He

<sup>k</sup> He sent ambassadors before in Lent; but the earl of Anjou refused to treat with any but the earl of Gloucester; so he went over about Midsummer, and embarked at Warham: in his absence king Stephen burnt that

town and seized the castle. Malmsh.

<sup>l</sup> The earl of Anjou had taken advantage of the king's imprisonment, and conquered the greatest part of Normandy. Ord. Vital.

contented himself therefore with sending an inconsiderable aid <sup>1142.</sup> to Matilda, with Henry his eldest son, to try whether his presence would have any influence on the English.

During the earl of Gloucester's absence, Matilda retired to Oxford, where she thought herself safe, till the succours, expected from Normandy, should arrive. The king looking upon this as a favourable juncture, resolved to lay siege to that city, in expectation of having his rival in his power, before the earl's return <sup>a</sup>. The siege was carried on with all possible vigour and diligence, and maintained in the same manner by the empress, who had no other refuge but a stout defence, in order to avoid the impending disaster. The approach of winter gave her some hopes, the king would be obliged to retire. But Stephen being resolutely bent to continue his attacks, notwithstanding the rigour of the season, she was at last reduced to a necessity of desiring to capitulate. As she dreaded, above all things, the same lot she had inflicted on her enemy, she did not think fit to wait the issue of the capitulation, which could not but prove fatal to her. Whilst she amused the king with demands that he would never grant, she took advantage of a dark night, and went out of the city, cloathed in white, to deceive the centinels, by reason the ground was then covered with snow. She passed the Thames on the ice, and walked above six miles on foot, with the snow beating in her face all the way. In spite of these difficulties, she came to Abington, and taking horse rid that same night to Wallingford. The king was extremely surpris'd to find himself thus disappointed. He did not value the taking of Oxford, since it put not Matilda in his power. Mean time prince Henry and the earl of Gloucester, who were just arrived in England, being informed of the empress's happy escape, waited upon her at Wallingford, where the sight of her son blotted out, for a time, all remembrance of her misfortunes. Here ends the history of William of Malmſbury, one of the most exact and judicious writers of those days, and whom, for that reason, I have chiefly taken for my guide.

In the beginning of the year 1143, the legate summoned a council at London, where the king was present <sup>1143.</sup> P. He made

<sup>a</sup> Between three and four hundred men in fifty two ships. Robert landed at Warham, which he retook. Malmſb.

<sup>a</sup> He burnt that city, Septem. 26, and then laid siege to the castle. Malmſb.

VOL. II,

<sup>o</sup> At a back-gate attended only with four persons, Malmſb. p. 195. The Sax. Ann. say, she was let down from a tower by a rope.

<sup>p</sup> This year king Stephen seized Geoffrey de Magnaville, and before he

P

would

Matilda besieged in Oxford. Huntingd. Malmſb. M. Paris. Gervase. J. Hagulf. Brompt.

She escaped with great difficulty. Malmſb. Huntingd. Hoved. M. Paris. Gervase.

Gervase.

1143. made a long speech tending to convince the bishops of the necessity of exerting themselves more vigorously than they had hitherto done, in order to put a speedy end to a war, so prejudicial to the kingdom. He declared he was ready to persevere in exposing his life for the service of the state, but added, he could not flatter himself with any hopes of success, without the assistance of his subjects. And therefore he required, those that were able to bear arms should attend him in his military expeditions, and the rest furnish him with money. This was addressed particularly to the clergy, who, being entirely guided by the bishop of Winchester, promised to grant an aid <sup>1</sup>. It was however upon this condition, that the church should be better protected for the future. The king assuring them, it was his intention, and that the canons should be strictly observed, the council passed two relating to the times. By the first it was declared, whoever killed an ecclesiastick, should not be absolved but by the pope himself. The second ordained, that the husbandman and plough should be under the same protection as was enjoyed by those that were retired into a church or church-yard.

A synod at London grants the king a subsidy.  
Hunt. 1. 8.  
Brompt.  
M. Paris.

Hoved.  
p. 279.  
M. Paris,  
p. 79.

Continuation of the war.  
Brompt.  
Gervase.

1144.

1145.

1146.

The rest of this year's occurrences consists only of a tedious account of the civil war, which laid waste the kingdom. We meet with nothing but taking and surprising castles, some skirmishes of no consequence, and many barbarities committed on both sides. Not to tire the reader with the recital of matters of no moment, I shall only observe, that in this and the three next years, Stephen's party visibly prevailed. To which the death of the earl of Gloucester <sup>2</sup>, and of Milo earl of Hereford <sup>3</sup>, her chief counsellors

would release him, made him surrender the tower of London, and his castles of Walden and Plasseiz, Huntingd. p. 393. R. de Diceto, p. 508. Brompt. p. 1033. Gervase says, he did it out of necessity; for if he had not secured him, he would have been deprived by him of his kingdom, p. 1360.

<sup>1</sup> It does not appear whence Rapin had this particular, for no historian mentions any scutages, subsidies or taxes during this reign; both armies living by plunder, and maintaining themselves chiefly by the ruin of their adversaries, their men, and tenants.

<sup>2</sup> He was son of Nestla, daughter of Rhees, prince of South Wales, King

Henry I. his father, procured him in marriage Mabel, or Maud, the heiress of Robert Fitzhamon, lord of Cardiff in Normandy, Cardiff in South Wales, and Tewksbury in England. By her he had William earl of Gloucester, after him, Roger bishop of Worcester, Richard bishop of Noyon, Hamon, Mabel, wife of Aubrey de Vere, and Matilda of Ranulph earl of Chester. Earl Robert died of a fever at Gloucester, October 31, 1147, (Gervase says, in November, 1146, p. 1362.) and was buried at Bristol in St. James's monastery which he built, and also Cardiff castle.

<sup>3</sup> He was slain December 24, with

fellows and most faithful friends, greatly contributed. After the loss of these two earls, Matilda seeing no way to defend herself any longer, left England and retired to Normandy, where she had already sent the prince her son. The earl of Anjou, his father, had earnestly desired it, perceiving he fruitlessly exposed himself to continual danger, to wrest from a prince a crown, on whose head it seemed to be too firmly fixed.

1146.

Death of the earl of Gloucester. J. Hagulf. Gervase. Matilda goes into Normandy. Sax. Ann.

1147.

Upon the empress's departure, Stephen, finding himself in peaceable possession of the crown, thought of means to secure it, after his death, to Eustace his eldest son. For that purpose, he caused some of the barons to take the oath to him, imagining that precaution capable to lead him to the end he proposed. But his own experience should have taught him the insufficiency of that means.

Stephen master of the whole kingdom. Huntingd. Gervase. Hoved.

Towards the latter end of the year 1147, he kept his Christmas at Lincoln, where he affected to wear his crown, notwithstanding a certain prophecy foretelling great misfortunes to the kings, who should venture to appear crowned in that city.

He wears his crown at Lincoln, notwithstanding a certain prophecy against it. Huntingd. Brompt. Gervase.

1148.

Whilst Stephen was enjoying the repose procured by Matilda's retreat, the zeal of the christian world rousing itself again, a fresh crusade was undertaken against the Saracens. Lewis the young, king of France, signalized himself in this expedition, by the great number of troops, he led in person to the Holy Land. He was accompanied by Eleanor of Guyenne his queen, heirs of the house of Poitiers, with whom he had the earldom of Guyenne, with its appurtenances, and all Poictou. During the voyage, which lasted near two years, Lewis fell out in such a manner with his queen, upon some suspicion, well or ill-grounded, that he resolved to divorce her as soon as he returned to France.

A new crusade, where in Lewis of France distinguishes himself. Falls out with his queen. Huntingd.

an arrow at a hunting match. J. Hagulfad, p. 273. Milo was created earl of Hereford by patent from Matilda, being the first of that kind that we know of. It is to be seen in Rymer's Fœdera, tom. I. p. 8. Rapin. The patent begins thus: Matilda imperatrix Henrici regis filia, & Anglorum domina, archiepiscopus, episcopus, abbas, comitibus, baronibus, &c. salutem. Sciatis me fecisse Milonem de Gloucestrâ, comitem de Hereford, & dedisse ei totam Hereford, cum toto castello, in fœdo & hæreditate sibi &

hæredibus suis ad tenendum de me & hæredibus meis. Dedi etiam ei tertium denarium redditus burgi Hereford, &c. Selden's titles of honour.

† He was attended, among others, by William earl of Warren, who was slain in this expedition; and Roger de Mowbray, who signalized himself in it. J. Hagulf.

‡ He suspected her of adultery with a young Saracen; but the pretence he made use of to divorce her was, that they were cousins in the fourth degree.

1149.

Prince  
Henry  
forms a de-  
sign of as-  
serting his  
claim to  
England.  
Huntingd.  
Hoved.  
Brompt.  
Gervase.

Since Matilda had in a manner relinquished all pretensions to England, Stephen thought only of reaping the fruits of his labours, and repairing the mischiefs the kingdom had suffered by a long war. But a new rival, who was preparing to dispute the crown with him, soon made him sensible, he was still very far from the tranquillity he had flattered himself with. Henry, eldest son of Matilda, by the earl of Anjou, a young prince of sixteen years of age, and of a lively and enterprising genius, thought he should not be discouraged by the difficulties which the empress his mother had met with in England. He did not question, but the persons that supported the right of the lawful heir, would always continue in the same mind, and a new leader, of more youth and vigour, inspire them with fresh courage. In this belief, he resolved to go to the king of Scotland, his great uncle, and concert measures with him to accomplish this design. David, having notice of the prince's coming, met him in Northumberland \*. After conferring with him about their affairs, he knighted him according to the custom of those days, when this ceremony was deemed necessary for all that took upon them the profession of arms. Mean time, Stephen, who had received intelligence of this interview, fearing they had some design upon York, speedily marched thither and reinforced the garrison. Upon his approach the two princes parted, David returning to Scotland, and Henry to Normandy. He was scarce arrived at Roan, when Geoffrey his father departed this life, leaving him the earldom of Anjou, till the empress his mother's death should put him in possession of Normandy, after which he was to resign Anjou to Geoffrey his younger brother.

He confers  
with the  
king of Scot-  
land.  
W. Neub.  
Huntingd.  
Gervase.  
J. Hagulst.

1150.

Earl of An-  
jou dies.  
Huntingd.  
Sax. Ann.  
J. Hagulst.  
Gervase.

1151.

Lewis di-  
vorses Elea-  
nor.  
Gervase.  
Henry takes  
the title of  
duke of  
Normandy,  
and marries  
her.  
Brompt.  
Gervase.

Lewis had deferred parting with Eleanor his wife, only till he had brought her back to France. Immediately after his return, he put his resolution in practice, and generously restored to her Guyenne, Poictou, Saintonge, with all the dominions she had brought him in marriage, providing also for the two daughters he had by her. As soon as this divorce became publick, Henry, who, with his mother's consent, had assumed the title of duke of Normandy, considered how to secure the possession of this rich heiress †. Matters were carried on with such secrecy, that the first news Lewis heard, was, that the duke was gone to the queen at Bourdeaux,

\* He met him at Carlisle about Whitstuntide, having with him, Ralph of Chester, Roger earl of Hereford, son of Milo, and others. W.

Neub. David and Henry marched to Lancaster. J. Hagulst.

† Gervase says, she offered herself to him.

where their nuptials were solemnized with extraordinary magnificence. This was a great mortification to that monarch, who could not bear to see another decked with his spoils, though voluntarily relinquished by himself. Besides, he was sensible how formidable Henry would be to France, in case he should one day add to his present dominions, the kingdom of England, to which he had so just a claim. On the other hand, this marriage made Stephen no less uneasy, who could not behold this increase of power in his rival, without dreading the consequences. The jealousy of these two monarchs being roused on this occasion, it was not long before they made an alliance, the design of which was to humble a prince, who was grown very formidable to both. Lewis, raised him disturbances in Anjou, by means of Geoffrey his brother, who thought he had a right, by virtue of his father's will, to take possession of that earldom. At the same time he invested once more Eustace, son of Stephen, with Normandy, that Henry, attacked from two quarters, might afford the king of England time to establish himself in the throne. On the other side, Stephen took all the measures he thought capable of ruining the duke's party in England, in order to, destroy his hopes of ever coming to the crown. The most proper means to this end was, in his opinion, to cause his son Eustace to be crowned before-hand <sup>7</sup>. But he met with unexpected obstacles. The archbishop of Canterbury plainly refused to comply with his request, and his reason was still more offensive than the denial itself. He told him, the pope had expressly forbidden him to crown the son of a prince, who, contrary to his oath, had usurped the kingdom. If the pope really gave any such orders to the archbishop, his sentiments were very different from those of his predecessor, Innocent II. But, very likely, this prelate, as well as the rest of the bishops, used this pretence to cover their engagements with the duke of Normandy. Be this as it will, the king, incensed at the obstinate denial of the bishops, caused them all to be shut up in one house, resolving to keep them there till they complied with his will. This was a very extraordinary way to obtain his desire, accordingly it proved unsuccessful. The house, where the bishops were detained, not being carefully guarded, the archbishop found means to

1151.

Lewis and  
Stephen  
grow jea-  
lous of  
Henry.  
C. N.  
Hunt.  
Hoved.

They enter  
into a  
league.  
C. N.  
Gervase.  
M. Paris.

Huntingd.  
M. Paris.

Stephen tries  
to get his  
son crowned,  
but cannot.  
Huntingd.  
Gervase.  
Col. 1371.

<sup>7</sup> King Stephen, by means of Henry, archbishop of York, who went to Rome, applied to the pope, to desire

him to appoint, by his apostolical authority, Eustace to be his successor. J. Hagult.

1151. escape into Normandy. By his flight, the king's project entirely vanished.

1152.

He forms a design of humbling the clergy. Diceto. Gervase. Huntingd.

He involves the duke of Normandy in troubles, who happily gets clear of them.

He besieges Wallingford. Huntingd. Gervase.

Henry goes over into England, and is joined by some of the barons. He marches to Wallingford. R. Diceto. Huntingd. Gervase. Brompt.

Stephen was extremely offended with the clergy's presumption, who claimed a power of making and unmaking kings as they pleased, or as it suited with the interests of such as governed the rest. As he did not question but the duke of Normandy had gained the bishops to his party, and did not dare to attack them directly, he thought to reduce them to their duty, by seizing some castles, still in the hands of the duke's friends, in order to deprive the clergy of that protection. At the same time, he sent his son Eustace into Normandy, to join the king of France, and invade that duchy. Stephen's aim was to prevent Henry from coming into England, to the assistance of his friends. But this war lasted not so long as he expected. Henry, by his extraordinary courage and diligence, drove out of Anjou his brother Geoffrey, who was become master of some places. Then he marched back to Normandy, where he found means, by making him some satisfaction, to conclude a peace with the king of France. After that, it was easy to drive out Eustace, who was not yet firmly settled in that duchy. Eustace, finding no farther refuge there, returned to England, and joined his father, who was then besieging Wallingford. This being one of the strongest places in the kingdom, the king spent so much time in the siege, that the duke had leisure to come to its relief, after settling his affairs in Normandy.

The young duke, perceiving of what importance it was to relieve his friends in England, led over so considerable a number of forces <sup>a</sup>, that he gave new life to his party, which, since Matilda's departure, seemed to be quite discouraged. Several barons immediately joined him, and put into his hands thirty fortified castles, whose garrisons he reinforced <sup>a</sup>. Then he hastened to the relief of Wallingford, which was vigorously pressed, though in the king's absence, who was gone to London to make fresh preparations. Henry approaching the town, and finding it very difficult to assault the besiegers in their intrenchments, contented himself with securing the avenues, through which they were supplied with provisions. This precaution would soon have been fatal to

<sup>a</sup> He came with one hundred and forty horse, and three thousand foot, in thirty two ships. M. Paris. Huntingd. says, he came over with a few persons. Soon after his landing, he took Malmesbury castle, and then Stamford

and Nottingham. R. Diceto.

<sup>a</sup> He coined then new money, for at that time, the great men, bishops, earls, and barons, coined their own money. Hoved.

them,



them, had not Stephen posted to their succour. He approached the duke of Normandy, and, without attacking him, brought him into the same straits, as the besiegers had some days laboured under.

1152.

It was scarce possible for the armies to part without fighting. Accordingly, the two leaders were preparing for battle with equal ardour, when, by the prudent advice of the earl of Arundel, who was on the king's side, they were prevented from coming to blows. He represented to the king the miseries the kingdom was going to be exposed to by a battle, which must be very bloody, and almost as fatal to the vanquishers, as vanquished. Adding, it would be more becoming christians to try, whether matters could not be adjusted by a treaty, which would restore peace to the unfortunate kingdom. In fine, he plainly told him, it was not reasonable, a whole nation should be exposed to the greatest calamities, on account of two princes, who aimed more at gratifying their own ambition, than the happiness of the English. Whether Stephen was moved by these remonstrances, or apprehensive of being deserted, in case he was bent upon fighting, he consented that an accommodation should be proposed to the duke. The young prince, who had prepared for battle, was with difficulty brought to hearken to the king's proposal. But perceiving, the English lords pressed him very earnestly to it, he thought proper to yield to their importunity, and consented to the interview desired by Stephen. In a short conference between these two princes, on the opposite banks of the Thames, which is very narrow at that place, they agreed upon a truce, in order to have time to negotiate a peace.

The two armies being just going to engage, the earl of Arundel persuades the king to peace.  
R. Diceto.  
Gervase.  
M. Paris.

Henry consents to it with difficulty.

A truce made.

Earl Eustace could not see this truce without trouble, knowing it would probably end in a peace, which must be prejudicial to him. And indeed, it was not to be supposed, that the duke of Normandy, being unconquered, would depart from his pretensions to the crown. To be excused from signing the treaty, or perhaps to try to obstruct it, Eustace suddenly left the army, and retired into Suffolk. Shortly after, as he was going to sit down at table in the abbey of St. Edmundsbury, he fell into a frenzy, and died in three days, being eighteen years of age. He was buried in the abbey of Feversham, with the queen his mother, who died a few months before. Constantia, his widow, daughter of Lewis the gross, was afterwards married to Raymond earl of Thoulouse.

1153.  
Eustace retires from the army.  
Gervase.  
P. 1374.  
He dies.  
Gervase.  
Brompt.  
J. Hagulf.  
Huntingd.

<sup>b</sup> Threatening to lay the whole county waste. Gervase.

1153.

The barons  
sided with  
the duke.  
The reason  
of it.

Gervase.  
Huntingd.  
J. Hagulst.

Acta Pub-  
lica, tom.  
I. p. 12.

David king  
of Scotland  
dies.

Stephen re-  
solves to  
make peace  
with Henry.  
Sax. Ann.  
Brompt.

Stephen was extremely concerned for the loss of his queen and son, which seemed to portend some farther misfortunes. And indeed, the nobility openly abandoned him, and went over to the duke of Normandy. As there were few barons but what were guilty of disloyalty, their dread that the king might think of being revenged, made them judge it necessary for their safety, to put themselves under the duke's protection. Their suspicions were confirmed, by what had lately happened to the earl of Chester. This earl waiting on the king to offer his service, was taken into close custody, from whence he could not free himself but by the delivery of Lincoln castle into the king's hands<sup>c</sup>. It was not however without cause, that the king was willing to secure himself against the earl, who was entered into private engagements with the duke of Normandy, as appears from a charter in the collection of the publick acts, where Henry promises him the possession of certain lands. It is probable therefore, Stephen had some intelligence of this matter<sup>d</sup>. But whether he neglected to publish the reasons of his suspecting the earl, or could not convict him, this action was considered by the rest of the barons, as a presage of what they themselves were to expect. And indeed, many of them, having entered into the like engagements with the duke, believed it safer to declare for him openly<sup>e</sup>, than expose themselves to the king's resentment by staying at court.

David, king of Scotland died this year, leaving only some grandchildren, by Henry his son, who died before him. Malcolm and William, the two eldest, successively mounted the throne, and David their brother was earl of Huntington.

The truce between Stephen and Henry was renewed several times, by reason of the great difficulties which occurred in the negotiation of the peace. The main obstacle sprung from Stephen's desire to settle the succession on his son William, to which Henry would never consent. He was willing, Stephen should enjoy the crown during his life, but after his death, insisted upon succeeding him. Nay, he thought he had yielded very much in obliging himself not to

<sup>c</sup> He was very ill used, and forced to give his nephew Gilbert, earl of Clare, for hostage. J. Hagulst. The only remedy he could find, was to invite Henry into England.

<sup>d</sup> Earl Ranulph came to the king with his men at the siege of Wallingford, and made his peace. A little after, coming to the king's court at Nor-

thampton, he was taken and kept in prison till he delivered to the king the castle of Lincoln, in which city he kept a most splendid Christmas; and wore his crown in 1147. This was before the earl's engagements with Henry duke of Normandy. Gervase.

<sup>e</sup> Particularly Robert earl of Leicester. J. Hagulst.

disturb

disturb a rival, who was not yet fifty years old. In fine, Stephen, reflecting on the state of his affairs, and seeing the great obstacles in his way, resolved to purchase peace by relinquishing his design. He was sensible, the duke's noble qualities, and title to the crown, a title powerfully supported, were difficulties that could not easily be surmounted. The inclination of the nobles and people gave him further occasion to dread, they would not stay for his death, to put the scepter into the hands of the young prince. These considerations induced him at length to consent to the peace, as proposed by Henry. As soon as it was signed, Stephen performed the ceremony of adopting the young duke, who paid him the respect due to a father. On the other hand, William, the king's son, did homage to the duke, who promised, on his part, to maintain him in the possession of the estates of his family<sup>f</sup>, and of those, granted him by the king his father, since his accession to the crown<sup>g</sup>.

1153.

The terms of it.  
R. Diceto.  
He adopts Henry.  
Gervase.  
p. 1375.  
Huntingd.  
Brompt.  
A.D. Pub.  
t. I. p. 13.

This treaty was concluded and signed at Winchester, in an assembly, convened for that purpose, of all the lords spiritual and temporal. After this, the two princes made their publick appearance together in the principal cities, where they were received with great demonstrations of joy. The people could not sufficiently express their satisfaction at seeing peace and tranquillity at length restored to the kingdom after so many years of troubles and confusion. An historian affirms, that amidst these rejoicings, Henry discovered a conspiracy against him, by William the king's son<sup>h</sup>, and adds, the plot would have been executed, had not William accidentally fallen off his horse and broke his thigh. To this he ascribes the sudden departure of the duke of Normandy, who, without showing any signs of mistrust, took his leave of the king, and returned to his dominions, till Stephen's death should put him in possession of the throne of England. Another historian does not scruple to assert, Henry was Stephen's son, with whom the empress had lived too familiarly before her second marriage. But we are by no means to trust to this

Gervase.  
ibid.  
Huntingd.  
The people rejoice at the peace.  
Plot against Henry, who returns to Normandy.  
Gervase.  
Sax. Ann.

<sup>f</sup> The earldom of Warren, county of Norfolk, Pevensey, Dover, Feversham. Brompt.

<sup>g</sup> This agreement is recited and confirmed by Stephen's charter or declaration under his seal, in Brompton's chronicle, directed to all the faithful people of England. The articles of the treaty were: I. That King Stephen

should enjoy the crown during life. II. That after his decease, duke Henry should succeed him as his lawful heir. To this, Hoveden adds, that the king appointed the duke justiciary of England under himself. See Rymer's Fœd. tom. I. p. 13.

<sup>h</sup> And the Flemings. Gervase.

1153.

author's account, since, by his own confession, it was entirely grounded on common report.

1154.

Stephen's  
death.

Although, after his agreement with Henry, Stephen could have no hopes of leaving the crown to his son, he was so touched with the miseries, the kingdom endured, that he resolved to use all his endeavours to repair them. He even seemed to take proper measures to that end. But death, which surprised him unawares, prevented him from executing so generous a design. He died<sup>1</sup> in the fiftieth year of his age, on the 25th of October, 1154, eleven months after the treaty with Henry. He was buried by his queen, and son Eustace, in the abbey of Feversham, which he himself had founded<sup>2</sup>.

His charac-  
ter.

If this prince's character be considered in general only, he may be said to be worthy to live in better times, and his good qualities to outweigh his defects. However, it would be very difficult to justify all his proceedings in acquiring the crown, and particularly the breach of his oath. And therefore though the consent of the barons may seem to be of some weight, yet as the crown was procured by unjust practices, many are of opinion, he ought, for all that, to be deemed an usurper. His breaking his word on certain occasions, is moreover a stain to his memory. Perhaps the circumstances of the times and affairs hurried him beyond his natural inclination. But however, the commendation due to his valour, clemency, and generosity, cannot be denied him. The first of these virtues appeared chiefly at the battle of Lincoln, where he was taken prisoner. The other two must be owned, when it is considered, that throughout his reign, there is not a single instance of severity to be found, though several of the barons, whom the chance of war had put in his power, had given him but too much reason to use them with rigour. It is true, there are historians, who make it their business to blacken his reputation. But it must be observed, most of them wrote in the reign of Henry II. or his sons. As for William of Malmſbury, who was cotemporary with Stephen, he is known to be the earl of Gloucester's creature, to whom he dedicated the last part of his history. This alone should make us read with caution, what he relates to

<sup>1</sup> Of the cholick and piles, at Canterbury, where he was come to have an interview with the earl of Flanders. Gervase. Huntingd.

<sup>2</sup> And there he lay till the suppression

of the abbey, when for so small a gain as the leaden coffin, wherein his body was wrapped, it was taken up and thrown into the next water. Sandf.

geneal. p. 42.

Stephen's disadvantage. After all, it is not easy to determine whether the crown justly belonged to Matilda, or Stephen's election entitled him to take possession. What may be said with more certainty, is, that, after the conquest, the Saxon laws were no longer observed, and it does not appear that the Normans had yet any settled rules concerning the succession to the crown.

The troubles during this reign furnished the clergy with a favourable opportunity to exalt the mitre above the crown. The court of Rome improved also these junctures, to introduce into England new laws, which the English doubtless would have opposed at any other time. The canon law, compiled by Gratian in 1151, by the authority of Eugenius III. was brought into England, on occasion of the contests between the archbishop of Canterbury, and the bishop of Winchester about the legateship. These differences gave the Italian canonists opportunity to settle in England, and introduced by degrees the study of the canon law into the university of Oxford, where Vacarius was the first Professor<sup>1</sup>.

1154.

The canon-law received in England. Gervas. Aët. Pontif. Cant. p. 1665.

Stephen left one legitimate son, called William, who was Stephen's earl of Boulogne in right of the queen his mother. He had also one daughter named Maria, who, after she had put on the veil, was, notwithstanding, married to Philip of Alsatia, but upon the death of her husband, returned to the nunnery<sup>m</sup>.

issue.

<sup>1</sup> The canon and imperial laws prevailed here, and were permiscuously used with the ordinary law, from the time of king Stephen to the reign of Edward III. See Selden's dissertation in Fletam. c. 8.

<sup>m</sup> King Stephen's legitimate issue was as follows: I. Baldwin, bearing the name of his mother's uncle, king of Jerusalem. He died an infant, and was buried in the priory of the Trinity, without Aldgate in London, now called Duke's place. II. Eustace earl of Boulogne, he married Constance, sister of Lewis VII. who died and was buried as before related. III. William earl of Mortagne and Boulogne, lord of the honour of Eagle and Pevensey, and (in right of Isabel his wife) fourth earl of Warren and Surry; she being heir of William the third earl of Warren and Surry. He died accompanying king

Henry II. at the siege of Thoulouse 1160, without issue IV. Maud, the eldest young, and was buried with her brother Baldwin: she is reported by some to have been wife of the earl of Milan. V. Mary, first a nun and abbess of Ramsey nunnery in Hampshire, afterwards secretly taken from thence and married to Matthew of Flanders, younger son of Theodoric, earl of Flanders. After her brother William's death, she was countess of Boulogne and Mortagne, and had two daughters. Ida, (wife of Reginald de Trie, earl of Damartin, with whom he had the earldom of Boulogne,) and Maud, wife of Henry the first, duke of Brabant. Mary, by the censure of the church was separated from her husband, and sent back to her monastery; but her children were legitimated by parliament, 1189, Sandf. general. p. 44.

A natural son of Stephen's, called also William, has given occasion to some, deceived by the likeness of names, to affirm this prince left behind him only a bastard son<sup>2</sup>.

The

His natural issue were : I. William, who is distinguished from the legitimate son William, earl of Boulogne, in an ancient charter of the earl's now extant, where the earl names him for a witness, and calls him brother. II. Gervas, begotten on a gentlewoman named Dameta, born in Normandy, and brought into England by his father in 1140, and made the same year abbot of Westminster; and so continued for twenty years. He lies buried in the fourth part of the cloysters, under a black marble stone, which yet remains. His epitaph almost defaced, was this distich :

De regum genere pater hic Gervasius  
[ecce,  
Monstrat defunctus, mors rapit omne  
[genus.  
Sandf. general. p. 44.

The most remarkable occurrences in this reign were these: in 1136, there was a great fire in London which consumed part of that city, from Aldgate to St. Paul's church; and also the bridge, which was then of timber. In 1137, June 3, the cathedral of Rochester was burnt down: as was also, the next day, the whole city of York, with the cathedral, and thirty nine churches: and so was also the city of Bath, on the 27th. Stow's Chron. p. 144. In 1150, and 1151, there was a great famine in England. Ann. Waver, p. 157.

Having shown before, how the money was paid in and issued out of the exchequer, it may not be amiss now to set down the particular branches of the royal revenue; namely, I. The demesne of the crown. II. Escheats. III. Feudal and other profits arising out of the demesne and escheats. IV. The yearly farms of counties and towns. V. Fines and amerciaments. VI. Aids, scutages, tallages, and customs. VII. Casual profits of divers kinds. These particulars will give great light to several parts of the English his-

tory. First, of the ancient demesne of the crown, it appears, at the time of the conquest and afterwards, the demesne lands were considerable for extent and income. Doomsday book shows what they were in the reign of Edward the confessor, and serves to distinguish the king's demesne from his escheats and other lands, and from the lands of other men. II. The second branch of the revenue arose by escheats, under which term are comprehended not only those lands most properly so called, but those also which at sundry times after the conquest became vested in the crown, either by devolution, forfeiture, seizure, or perhaps by some other title. By the revenue rolls of the pipe of the reign of Stephen and Henry II. (which, next to Doomsday are the most ancient rolls of records now extant) and likewise by those of the next succeeding kings, we find the crown then in possession of several great honours, baronies, and lands, and of that sort, which are usually styled honor, baronia, or terra of such a one, with the addition sometimes of que est in manu regis, without expressing by what title they became vested in the crown. These great escheats were anciently committed usually by the king to certain persons in ferm or custody, who answered at the exchequer yearly for the issues or ferm thereof. Besides these greater fees, the lands of lower persons, and sometimes of hereditary offices and serjeanties, with the lands appertaining thereto became forfeited to the crown. As the king had the full dominion in all these escheats, after they had been long vested in the crown, they were hardly to be distinguished from the king's ancient demesne. About the latter end of Henry II.'s reign, they began to form an escheatry, which, in subsequent times was managed by officers called at first custodes eschatræ, and afterwards escheators. However, some of the smaller escheats were usually holden by the sheriffs. When escheats came to the crown, the justices itinerant took care within

## The State of the Church,

*During the Reigns of WILLIAM I. WILLIAM II.  
HENRY I. and STEPHEN.*

THE revolution in England, by the Norman conquest, introduced a great change both in church and state. More especially the pope and clergy were considerable losers by it. Instead of the devout and submissive Saxon princes, who were ready to embrace all opportunities, of augmenting the privileges and revenues of the church, there arose in England a race of Norman kings of a quite different character. Solely employed in grasping at arbitrary power, they could not bear any distinction between the clergy and laity as to point of obedience. They challenged an equal authority over both. What schemes soever the court of Rome had formed to render the clergy independent of the crown, the reigns of the two Williams were not thought to afford any favourable opportunities to hasten their execution. The Normans, out of interest, were entirely attached to their sovereigns, and the English, in their

The different character of the Saxon and Norman kings, with regard to the church.

within their several circuits, to have them seized to the crown, and put in charge to the sheriffs or other officers to the king's profit. III. Some revenues likewise accrued to the crown from vacant bishopricks and abbeys of royal foundation and patronage. For, in ancient times, when such bishop or abbot happened to die, the king used to seize the temporalities into his hands, and receive the profits till the vacancy was filled. Ordericus Vitalis ascribes this practice first to William I. He says before the Norman invasion, the bishop of the diocese took care of the revenues of a vacant abbey, as the archbishop did of those of a bishoprick till filled. In 1164, (10 Hen. II.) by the constitutions of Clarendon, an archbishoprick, bishoprick, abbey, or priory

of royal foundation becoming void, the same was to be in the king's hands, and he might receive the issues thereof as if he had held them in demesne. And so it seems, the usage was, both before and after the council of Clarendon. In the 5th of Stephen, the manors of the bishoprick of Durham, then vacant, are said, in the roll, to be in dominio regis, and therefore discharged of danegelt. In the statute de provisoribus (25 Edward III.) it is declared, that the kings, earls, barons, as lords and avowees, had, and ought to have the custody of vacant prelacies, &c. This power was often abused by the king, as well as private lords and patrons, by keeping the benefices void several years together. However this be, the crown was wont to take into its hands the temporalities

of

Badmer,  
p. 6.

their low condition, were no proper instruments to promote the cause of the court of Rome. Matters standing thus in England, the most vigorous efforts of the popes to enlarge their power, would have been ineffectual. This probably was the reason that obliged Gregory VIII. with all his haughtiness, to stoop to the steady temper of William the conqueror. This monarch, not content with boldly refusing the homage required by Gregory, openly contemned the papal decrees. He governed the clergy of his kingdom like the rest of his subjects, with an absolute sway. If he suffered the pope's legates to preside at a council, it was only to be freed with the more ease from some bishops that gave him disturbance. But when he found this same synod unwilling to come into his measures, he exerted his absolute

of the vacant bishopricks and abbeys, which were at first committed to a Custos, who accounted to the crown for the same. And afterwards, when the office of escheatry was settled, the escheators used, upon a voidance, to seize them for the king, and answer for the same as part of their escheatry. The succeeding bishop could not meddle with the temporalities thus seized with-

out a writ to give him possession, called a writ of restitution of temporalities, which continues in use to this day. The kings, in five or six successions after the conquest, made a considerable revenue this way, as appears by the revenue rolls. The rest of the branches will be continued in the following coin notes.



In king Stephen's time there seems to have been a great deal of money coined. For thus writes William of Newbury: "*Erant in Anglia quodam modo tot reges vel potius tyranni, quot domini castellorum, habentes singuli percussuram proprii numismatis & potestatem subditis regio more dicendi jus.*" And yet we have very few remains of their treasure. His penny, in speed, is no bigger than his predecessors. It is the first after the conquest that is half-faced with this inscription, *STIEFN. EI.* and, on the reverse, *SPTIDETS: DN. V.* which Nicolson takes to be the blundered name of some of his above-mentioned royal lords. Different from this is another which gives both his eyes,

though even here the face is somewhat side-ways. The crown is much the same with Henry I. only the flowers are raised higher. Tanner met with one, which, instead of the king's head, bore two angels with *STIEFN RE.* with a reverse like that of William the conqueror. Mr. Thoresby has one with both the figures of Stephen and Henry, and likewise of *EISTAO-THIUS* (Eustatius son of Stephen) with a horse on one side, and a large cross of flower-de-lis on the other. Another of Eustatius with a sword in his hand: reverse, *EBORACI. ED. TS.* a pellet in each quarter of a cross, surrounded with a rose. (See the figure above.)

power.



power. By his sole authority, he banished or imprisoned such bishops as he did not like, without staying for a canonical sentence. On the other hand, whilst the pope was thundering out anathemas against the emperor, and compelling him to dishonourable homage, William peaceably enjoyed, in his dominions, the right of investiture, which was the subject of the quarrel between the emperor and the court of Rome. He made the church-lands liable to the same services with the lay-fees. He seized the gold and silver deposited in the monasteries, and spared not even the consecrated vessels. Nothing was transacted in the church but by his direction, and the synodal constitutions were no longer in force than during his pleasure. He went still further, and set himself, in some measure, above the popes, by forbidding his subjects to receive their orders, or acknowledge their authority without his permission. Eadmer. ibid.

William Rufus had no greater regard to the church's immunities. All the pope's menaces were ineffectual to prevent him from keeping the vacant bishopricks and abbeyes in his hands, and to dispose of them afterwards to the best bidder. I do not pretend to excuse the conduct of the two monarchs in all these respects. My design is to show by these instances that the court of Rome owes the progress and growth of its power purely to its political prudence. The popes wisely gave way to princes of resolution and steadiness, whilst at the same time they vigorously proceeded against such, whose circumstances would not permit them to oppose their designs. We have a plain instance of this policy in the different behaviour of the popes with regard to the four first Norman kings. After yielding to the two Williams, they struggled a long time with Henry I. But when they saw, he was not to be conquered, they were contented with what they would have scorned, in the beginning of the contest. They compounded the matter with that monarch, and consented the bishops and abbots should do him homage, at the very time they obstinately refused the same terms to the emperor, whose affairs were not in so prosperous a state. As for Stephen, they knew how to improve the troubles in his reign, by the help of the bishop of Winchester. As they were ready to make use of all the advantages that offered, they took occasion from these troubles to appoint a legate different from the archbishop of Canterbury, which they durst not to have done at any other time. This encroachment seemed at first of little consequence, but had afterwards too great an influence upon the affairs of England. By the means of

They aim at humbling the clergy as well as the kings.

The pope refuses to send the pall to Lanfranc.

The reasons of it.

Bede. l. 1.  
c. 29. l. 2.  
Æ. 8. c. 18.

The rise of the dispute between the two archbishops.  
Majmib.  
de Gest.  
Pontif.  
Sax. Ann.  
Brompt.  
Gervase.  
Æ. Pontif.

of these legates it was, that at length they trod on the necks both of the kings and the clergy. I say of the clergy, since it is manifest, they aimed no less at humbling the bishops and archbishops than the sovereigns.

We have a remarkable proof of this design in the haughty treatment of Lanfranc by the court of Rome, when nominated to the see of Canterbury, upon Stigand's deprivation. Lanfranc was a prelate of distinguished worth, equally esteemed by the king, the English, and the Normans, and consequently of very great credit in England. And yet, he could never prevail to be excused going to Rome in person, to receive the pall at the pope's hands. Hildebrand, then archdeacon of Rome, and afterwards promoted to the papal chair, under the name of Gregory VII. wrote him a letter on that subject, endeavouring to soften the refusal. He told him, if there had been any instance of the like favour being granted to his predecessors, it would not have been refused. But, either he was not well versed in the ecclesiastical history of England, or else supposed Lanfranc not to know of the pall's being sent to Austin, Justus, Honorius, all three archbishops of Canterbury. It was not therefore from a scruple to introduce a new custom, that Lanfranc was denied this favour, but for fear the archbishops should by degrees forget their dependence on the pope. We shall frequently see, in the course of this history, how much the Roman pontiffs abused their exorbitant power over the clergy of England. It is not yet time to insist on this point. But, in order to give a general knowledge of the most material ecclesiastical affairs in England, during the interval we have passed through, it is necessary to show the rise of the dispute between the archbishops of Canterbury and York. This long contest is one of the chief articles of the ecclesiastical history of England.

Whilst Lanfranc was preparing for his journey to Rome, Thomas, canon of Bayeux, one of William the conqueror's chaplains, was nominated to the see of York. Shortly after, the new prelate came to Canterbury to be consecrated according to custom. But Lanfranc requiring him to make a profession of canonical obedience to him in writing, he refused to comply, and went away without consecration. This contest making a great noise, the king wanted to be informed of the matter, suspecting Lanfranc had carried his prerogatives too high. But after several English lords had shown that

that Lanfranc had custom on his side <sup>a</sup>, William, without taking upon him to decide the dispute, found an expedient to satisfy the two archbishops. This was that Thomas should return to Canterbury, and deliver a written profession of obedience to Lanfranc, as senior, and that the settling the rights of the two sees should be referred to the pope <sup>b</sup>. This expedient being approved of, the two prelates set out together for Rome to receive the pall, and to cause both this controversy and another concerning the jurisdiction over the sees of Lincoln, Lichfield, and Worcester, to be decided. Alexander II, who was then pope, received Lanfranc with particular marks of respect. As soon as he saw him, he <sup>Malmsh;</sup> rose up from his chair to embrace him, declaring how- <sup>P. 206.</sup> ever, he did not treat him thus on the account of his dignity, but for his merit. Thomas met with a very different reception. The pope voided his election, because he was incapable, as being the son of a priest, to hold any church-preferment. However a few days after, he was restored by the mediation of Lanfranc. As for the differences between the two archbishops, not being perfect master of the case, he referred the decision to the English bishops and abbots.

This affair not being ended at Rome, the two archbishops re- <sup>Malmsh,</sup> turned to England. As they equally wished to see their cause <sup>P. 206. &c.</sup> decided; at their arrival they waited upon the king at Windsor, where, on account of the paschal solemnity, most of the lords spiritual and temporal were assembled <sup>c</sup>. The cause was argued before the king with great warmth on both sides. Lanfranc founded his claim upon the following reasons. 1. That the archbishop of Canterbury was to be considered as if the see was at London, the metropolis of the kingdom, since Gregory I. designed to fix it there. 2. That the church of Canterbury was the most ancient in the kingdom, and the mother of all the rest. 3. He alledged the constitutions of several popes, granting the prerogative in question to his see. 4. He maintained that the archbishops of Canterbury had exercised jurisdiction within the province of York, and produced the example of Theodore, who had even deprived several bishops in the kingdom of Northumberland. 5. Lastly, he added, the archbishops of York had made to his predecessors a profession of the canonical obedience, which Thomas

Reasons for  
Canterbury.

<sup>a</sup> Lanfranc came himself to the king's court, (or great council) and there gave his reasons, which being attested by the English that were present, satisfied the king. *Malmsh. de Gest. Pontif.*

<sup>b</sup> The matter was to be referred to

a synod of bishops, and not to the pope. *Malmsh. de Gest. Pontif.*

<sup>c</sup> The cause was first debated at Winchester, at the feast of Easter, and afterwards at Windsor, where it received a final determination at the feast of Pentecost. *Malmsh. de Gest. Pontif.*

refused. In proof of this, he instanced in Ealdulph, who made no scruple to profess obedience to Adelard.

Reasons for  
York.

L. i. c. 29.

The sentence  
of the king  
and lords.

Agreement  
between the  
two arch-  
bishops.  
Malmsh.  
de Gest.  
Pont. i. i.

The archbishop of York replied it was true, Gregory I. did design to fix the archiepiscopal see at London, but was very far from intending to give that see any pre-eminence over York. To prove his assertion he cited the authority of Bede, who says in express terms, Gregory decreed, that after the death of Austin, the two archbishopricks should be independent of each other. Thomas inferred from thence, that, supposing the archiepiscopal see was at London, it would be no advantage to Lanfranc. 2. He said, it was not true, that the church of Canterbury was the mother of that of York, since every one knew, the church of York was founded by the Scotch monks, who had no relation to the church of Canterbury. As for the jurisdiction exercised by Theodore in Northumberland, he maintained, that prelate took advantage of the troubles then in the church of that kingdom, to extend his authority, and a right could not be built on a manifest usurpation. Lanfranc would have found it difficult to answer the argument brought by Thomas, from Gregory's regulation concerning the independency of the two archbishops, if the constitutions of several popes had not been for him. Moreover he supported his right by custom, for which the English gave testimony. And by this it was that he carried the cause. It was judged that the popes, successors to Gregory, had power to annul his constitutions, and therefore the king and lords thought it just that the archbishop of York should make profession of canonical obedience to the see of Canterbury. The other controversy about the three bishopricks, was decided likewise in favour of Lanfranc, and the archbishop of York acquiesced in both these sentences. But, to avoid any future disputes, there was drawn up, in the name of the two archbishops, a form of canonical obedience, adjusting their differences. Thomas was made to own, he was in the wrong, to dispute Lanfranc's superiority and jurisdiction over the whole church of England: declaring that as archbishop of York he owed canonical obedience, not only to the person of Lanfranc, as his senior, but to all the archbishops of Canterbury, as such. He dropped all his pretensions to the three bishopricks in question. Lanfranc, on his part, yielded to the archbishops of York, the jurisdiction over all the sees north of the Humber to the farthest parts of Scotland. It was likewise agreed, that if the archbishop of Canterbury should call a national synod, the archbishop of York and his suf-

fragans, should be obliged to make their appearance in what part soever of the kingdom the synod should be held. The two archbishops further covenanted, that upon the decease of the archbishop of Canterbury, the archbishop of York should repair to that city, and with the assistance of the suffragans of the southern province, should consecrate the primate elect. And that the person nominated to the see of York, should be obliged to come and be consecrated within the province of Canterbury. In fine, Lanfranc omitted nothing that should establish the superiority of his see over that of York. As for the oath Lanfranc required of Thomas, it is said in the writing, that the king desiring it should be dispensed with, Lanfranc readily consented, reserving however a right, to require this oath of all future archbishops of York <sup>d</sup>.

Thus the controversy between the two metropolitan sees was, or at least seemed to be, determined, for it was afterwards frequently renewed. Indeed, this was not a regulation made by a synod, but an agreement between the two archbishops, authorized by the king <sup>e</sup>. Accordingly the archbishops of York used this pretence to revive the dispute. They alledged, as the sentence was not synodal, their right remained entire. In the time of Anselm, another Thomas, nominated to the see of York, refused to take the oath, but at length was constrained to it.

Eadmer.  
L. 4. p. 97.  
p. 102.

Notwithstanding these two precedents, Thurstan being elected archbishop of York in the reign of Henry I. refused to make the customary submissions to the archbishop of Canterbury. But the king gave him to understand, he must either comply, or renounce his archbishoprick. Thurstan, however grievous it might be to him, chose to resign. Nevertheless, he caused the chapter of York to send deputies to Paschal II. to represent the wrong done to their see. These deputies remonstrated, the king had exceeded his power, in compelling Thurstan to renounce his election, for refusing to subject the see of York to an obedience, which was never canonically enjoined. This argument prevailing with the pope, he writ to the king, exhorting him to restore Thurstan, adding that in case the archbishops had any dispute about privileges, he himself would equitably decide it. Paschal being dead, and Gelasius II. succeeding him, the archbishop of Canterbury sent his agents to Rome to sound

The disputes  
revived by  
Thurstan.  
Vid. X.  
Script.  
p. 1735. &c.  
Eadmer.  
Hoved.

<sup>d</sup> King William I. attested and confirmed the supremacy of Canterbury; by a deed, which is in Spelman. Concil. [if not forged.]

<sup>e</sup> The agreement was subscribed by

the king and queen, Herbert the pope's legate, the two archbishops, thirteen bishops, and eleven great abbots, who all of them added the cross after their names, according to the Saxon custom.

the new pope's sentiments concerning this contest. These agents reported, that they found by what the pope said, he designed to send a legate into England to decide the controversy. But he was prevented by death, which surprized him as he was travelling to France.

X. Scriptor.  
Eadmer,  
p. 124. \*

Calixtus II. successor to Gelafius, repairing to Rheims to hold a council, Thurstan obtained the king's leave to go thither, but upon condition he would not receive consecration from the pope or any other bishop. However the king not confiding altogether on this prelate's word, sent a letter to the pope, protesting, if Thurstan was consecrated by any but the archbishop of Canterbury, he should never more set foot in England. Notwithstanding this protestation, Calixtus himself consecrated Thurstan in the presence of the council. The archdeacon of Canterbury would have opposed it, but was told by the pope, he designed no manner of injury to the see of Canterbury. Henry not having been able to prevent Thurstan's consecration, banished him the kingdom with his whole family. But he did not long remain in exile. The pope, willing to stand by what he had done, threatened the king with excommunication, and his kingdom with an interdict<sup>f</sup>. The pope's resoluteness caused Henry to yield at length, that Thurstan should be installed, without making the customary submission to the see of Canterbury. It is true, to save the king's honour, this prelate promised, not to perform any of his archiepiscopal functions out of the diocese of York. Thus the see of York recovered, in some measure, part of the ground it had lost. This contest was afterwards revived several times. But there is no necessity of pursuing this subject any farther. What has been said is sufficient to show the state of the case between the two primates, and the grounds on which each built his pretensions.

Eadmer.  
p. 136.  
Hoved.  
p. 273.

The see of  
Canterbury  
by degrees  
extends its  
jurisdiction  
over Wales.  
Eadmer.

Before we leave this dispute concerning the jurisdiction of the two sees, it will not be improper to speak of some other matters relating to that affair. We have seen in the foregoing book, that Gucan, a Welsh priest, nominated to the bishoprick of Landaff in Wales, was consecrated by Dunstan archbishop of Canterbury, though the bishop of St. David's exercised the archiepiscopal functions in that country. This was a new acquisition of power to the see of Canter-

<sup>f</sup> By virtue of this interdict, all divine service was to cease, and no part of the sacerdotal office to be exercised,

unless in the baptism of infants and absolution of dying penitents.

bury, which till then had no jurisdiction over the Welsh bishops. Gacan's successors following his example, the archbishops of Canterbury claimed the same power with regard to all the bishops in Wales. But they met with great opposition. At length, in the reign of Henry I. Bernard, the queen's chaplain, being nominated to the see of St. David's, was consecrated by Ralph archbishop of Canterbury. This proceeding greatly strengthened the archbishop's pretensions, who maintained that since his jurisdiction was owned by the chief of the Welsh bishops, the rest could not be excused from professing obedience. However, as Bernard repented afterwards of what he had done, a long contest arose, which was not decided till Wales was united to England in the reign of Edward I.

Whilst Ralph sat in the chair of Canterbury, he received a letter from Alexander I. king of Scotland, acquainting him with the death of Turgot bishop of St. Andrew's, and desiring his recommendation of a worthy successor. He prayed him withal to remember, that the archbishops of Canterbury had been possessed, time out of mind, of the right to consecrate the bishops of St. Andrews, and that Lanfranc was the first who yielded that privilege to the see of York. Wherefore, he declared, his intent was to set things upon their ancient foot, and begged his advice and assistance. Ralph perceiving by this letter, that Alexander sought occasion to enrage the archbishop of York, was unwilling to concern himself in the affair. And indeed Alexander's supposition, that the Scotch bishops were dependent on the see of Canterbury, was entirely groundless. On the contrary, it was very certain, the popes had long put the church of Scotland under the jurisdiction of the archbishop of York. These ancient papal constitutions were the foundation of the agreement between Lanfranc and Thomas. However in process of time, there were Scotch bishops who refused to acknowledge the archbishop of York for their primate, and by that means were the occasion of violent contests. But at length pope Paschal II.'s bull, making them suffragans to the see of York, put an end to the dispute.

Though the controversy between the two archbishops about their jurisdiction, does not seem to be very material, it was necessary however to show the rise of it, by reason of the frequent allusions to these disputes in the English history.

† Within this period the see of Canterbury extended also its jurisdiction over Ireland; or rather continued to do it, ex antiquo more. See Eadmer, p. 35, 36.

It is time now to proceed to matters wherein the whole church was concerned, and in the front of which stands the celibacy of the clergy. So many attempts were made to establish it in England, and such obstacles raised against it, that it would be neglecting a considerable article of the ecclesiastical history, not to descend to particulars.

The celibacy  
of the  
clergy.

Reasons of  
the pope's  
forbidding  
the priests  
to marry.

S. Dunelm.  
Brempt.

1076.

It has been seen, how zealously Dunstan and the partisans of Rome laboured to introduce the celibacy of the clergy, and how the Danish wars obliged them to suspend their design. From that time to the Norman conquest, the English priests lived on in a state of marriage, notwithstanding the sundry attempts of the popes to put a stop to that pretended licentiousness. It is difficult at first to conceive why the popes were so obstinately bent upon this undertaking, because it does not immediately appear how much the interest of the court of Rome was concerned in the case. But our wonder at their labour so heartily in this affair will cease, when we consider, it was a great step towards executing the project of rendering the clergy independent of the civil power, and making them a separate body to be governed by their own laws. And indeed, whilst the priests had children of their own, it was difficult to prevent them from depending on the princes, whose favour has so great an influence on the fortune of private persons. But being without families, and consequently not having much to expect from their sovereigns, they were more free to adhere to the pope, who would be considered as the sovereign of the clergy. Be this as it will, after the popes had undertaken this work, nothing was forgot to complete it. Gregory VII. who came to the papacy in the reign of William the conqueror, set his heart more upon this affair, than any of his predecessors. He called a council at Rome, where the clergy were forbid to marry under heavy penalties. The Italians, French, Spaniards, and Germans, submitted at length, after long struggles. But the English not thinking, that a council consisting mostly of Italian bishops, had power to enact laws for all Christendom, were much more difficult. However Lanfranc, either to make his court to Gregory, or because he was persuaded of the justice of the thing endeavoured to introduce into England the decrees of the council of Rome. To this end he convened at Winchester a national synod, where the affair was debated. He met with so strong an opposition, that he was going to desist from his design. Nevertheless, finding he could not bring the synod to prohibit all the clergy in general from marrying, he procured,



procured, on what pretence I know not, a decree that all priests who had their cures in cities, should put away their wives. But the country incumbents were not so rigorously used. However, to prevent for the future the married priests from holding any cures, the synod ordained, by Lanfranc's suggestion, that none should be admitted into orders, without a solemn declaration against marriage<sup>b</sup>. This restraint discouraging many persons of merit from taking orders, the church of England was, in a little time, so ill provided with able ministers, that there was a necessity of relaxing a little on this point. This evidently appears in a letter of Pafchal II. to Anselm, Lanfranc's successor. The pope said, that being informed, most of the English clergy were sons of priests, he was afraid it would prove a great prejudice to the church, if the canons were rigorously executed. For that reason he gave a dispensing power to the archbishop, when the church's interest, and the untractableness of the English should call for it. But instead of making use of this power, Anselm, who was of an inflexible temper, summoned a synod at London, where the marriage of priests was condemned. This was not capable of entirely redressing the pretended disorder. But, doubtless, Anselm would have carried matters much farther, if his contest with king Henry and his death, which happened in 1109, had not hindered him from prosecuting his design.

To complete the work so far advanced by Lanfranc and Anselm, Honorius II. sent cardinal de Créma into England, with the character of legate. The cardinal called a council at Westminster, where he strenuously inveighed against the married clergy. Among other things he said, it was a horrible crime to rise from the side of a harlot, and then handle the consecrated, body of Christ. And yet, after all his investives, he was caught that very night in bed with a harlot. A thing, says an historian, too notorious to be concealed, neither ought it to be passed over in silence. Baronius in vain attempted, many ages after, to destroy the credibility of this fact by negative proofs, which concluded nothing against the positive testimony of those that relate it. But however, the legates incontinency prevented not the synod's passing a canon against the priests marriages. On the other hand, the canon could not entirely stop this pretended evil.

<sup>b</sup> The form ran thus: Ego frater, N. promitto Deo, omnibusque sanctis ejus, castitatem corporis mei secundum

canonum decreta, & secundum ordinem mihi imponendum servare, domino præfatus, N. præfate. Spelman. Conc.

Five years after, William de Curboil archbishop of Canterbury summoned another council, where an admirable expedient was thought to be found, to cause the canons on this subject to be strictly observed. This was to put the execution of them in the king's hands, who very readily took the trouble upon him. But it was purely with a view to increase his revenues, by selling to the priests a dispensation to keep their wives. Accordingly we find many of the inferior clergy married in England, after the priests of other countries had submitted to the pope's decree.

The pope's  
legates.

Celibacy was not the only grievance inflicted by the court of Rome on the English clergy. To reduce them to an entire obedience, another expedient was used, which at first was not minded, but in the end was seen to have terrible consequences. This was the frequent sending of legates. During the empire of the Saxon and Danish kings, we find very rarely any instances of the pope's sending legates into England. Though they had, in those days, formed the project of becoming absolute in the church, they had not yet be-thought themselves of this method which was used so successfully afterwards. Perhaps they dared not put it in practice too frequently, for fear of alarming the metropolitans, whom it was necessary to reduce first by other ways. In those days, the archbishops of Canterbury, as primates of the church of England, were looked upon as the natural legates of the popes, who generally entrusted them with the execution of their orders. But as they had for the most part two opposite things to manage, namely, the interest of the church of England, and that of the pope, and as these very often clashed, it frequently happened, that they gave the preference to the church. This was the reason that the popes so earnestly sought occasions of sending other legates, who should have no views but their master's interest. Accordingly, when, in the reign of Offa, king of Mercia, Lichfield was going to be erected into an archbishoprick, the pope embraced that opportunity. As it was not proper to commission the archbishop of Canterbury, whom it was intended to deprive of part of his jurisdiction, the court of Rome easily obtained the king of Mercia's consent to receive Italian legates, to facilitate the execution of that design. This first instance, however, was not followed by any other, till the time of Edward the confessor, that is, for above two hundred and fifty years. In the reign of that prince, Stigand, archbishop of Canterbury, lying under the church's censures, the pope took occasion to send into England two legates, to execute a com-mission,

mission, which Stigand could not be charged with. William the conqueror, wanting to be rid of Stigand, and some other troublesome bishops, sent himself for legates to preside at a council, where he designed to have these prelates deposed. It is thus that princes, to gratify their passions, have all along been subservient to the growth of the papal power, without troubling themselves about the consequences. We find moreover that in the same reign, Gregory VII. sent a legate into England called Hubert. But as this was done on account of some political affairs, the English were not alarmed at it, never imagining, such a legateship could any ways tend to their prejudice. But the court of Rome had other aims. In process of time, these few precedents were deemed a sufficient ground for sending legates, whenever the pope should think fit. This right however lay dormant during the reigns of the two Williams, the temper and character of these princes affording the popes no prospect of success in their undertakings.

S. Dunelm.  
P. 201.  
Hoved.  
P. 453.

Henry I. was hardly warm in his throne, when the pope sent Guido, archbishop of Vienne, to reside at London, with a legative power over all Great-Britain. The clergy of England looked upon this commission as an attempt upon their privileges; neither could the king and council be prevailed with by former precedents, to allow the legate to exercise any part of his office in the kingdom. Alford the jesuit, who has writ the ecclesiastical history of England, plainly perceiving the great difficulty of reconciling this refusal with the papal authority, is forced to have recourse to a precarious supposition, in order to clear the point. He will have it that the legate's commission was rejected, because his powers were not penned with a non obstante, to the privileges of the archbishop of Canterbury. But as he cites no authorities in support of his assertion, we are not obliged to believe him on his bare word. Cardinal Baronius gets clear of this difficulty more dextrously, by taking no notice at all of this legateship.

Eadmer,  
P. 58.

Henry I. had some farther contests with the court of Rome upon the same occasion. Paschal II. sending into France a legate, called Cono, this prelate convened several councils, at which he pretended, the bishops of Normandy were obliged to be present, and upon their refusing to obey his summons, excommunicated them. Henry, offended at the legate's rashness, sent the bishop of Exeter to complain to the pope. In all likelihood he received some satisfaction;

Eadmer,  
P. 116.

since

since the historian, who mentions this particular, says not a word of the success of the embassy.

Eadmer,  
p. 118, 119,  
&c.

In the year 1116, king Henry being in Normandy, abbot Anselm, nephew to the archbishop of the same name, came to him and produced a commission from the pope for legate in England. But the king would not suffer him to go over in that character. The English bishops, whom the king consulted on this occasion, unanimously declared, this legateship was contrary to the privileges of the church of England. They desired the archbishop of Canterbury, as the person most concerned, to wait upon the king with their answer, and, in case the king should think proper, to go on to Rome, to remonstrate against these encroachments. The archbishop set out for Rome, but hearing the pope, hard pressed by the arms of the emperor, was retired to Beneventum, pursued not his journey. He contented himself therefore with representing to him in a letter, what he designed to tell him by word of mouth. The circumstances of pope Paschal's affairs at that time, would not permit him to insist on his pretended right, as he would doubtless have done at any other time. He was unwilling to disoblige the English; but on the other hand, could not resolve to give up the privilege of sending legates when he should think proper. He chose therefore to return an ambiguous answer, which, without binding him to any thing, might afford them a seeming satisfaction. This answer, which was not directly to the point, was not satisfactory to the bishops. But the king, taking advantage of the pope's circumstances, understood it in a sense the most favourable to the church of England, and prevented the legate from executing his commission. Nevertheless, as he saw the pope's answer was too general, to be able from thence to infer that he desisted from his pretensions, he demanded one more precise. At an interview some time after with Calixtus II. at Gisors, he very earnestly pressed the pope on this head, but to no purpose. All the satisfaction he could obtain, was, that the pope gave his word to send no more legates into England, except in a case of necessity.

Eadmer,  
p. 125.

Some years after, Honorius II. sent cardinal John de Cr ma into England, with the character of legate. However it was with great difficulty that he was received as such, after waiting a long time in Normandy. This legate summoned a council at London, as hath been said, on account of the priests' marriages. In his summons to the bishops, he says in express words, this council was convened by the order

order and concurrence of the archbishop of Canterbury. This appears by a citation still extant, addressed to the bishop of Landaff. Though the legate might plainly see he was not very welcome to the English, he affected, in the exercise of his function, a haughty demeanour, which very much increased their dislike. He would officiate in the cathedral of Canterbury, in the place of the archbishop, though he was only a presbyter. In the council of London, he ordered his seat to be raised, like a sort of throne, above the two archbishops and all the nobility who were present at the synod. This proud carriage gave great offence to the English, who were not wont to see the pope's legates exalted so high. They openly shewed their regret for their condescension to this legate, well knowing of what dangerous consequence precedents were in things where the court of Rome was concerned. However, this did not prevent, in the reign of Stephen, Alberic, bishop of Ostia, from being received in England as legate. Stephen was not firmly enough fixed in his throne to venture to disoblige the court of Rome. Gervase, p. 1663.

During that reign, the pope conferred the dignity of legate on the bishop of Winchester, the king's brother, in prejudice of Theobald, archbishop of Canterbury. This distinction occasioned between the two prelates a contest, of which the court of Rome made great advantage. For, on this occasion it was, that the two parties frequently appealed to Rome, a thing very rarely practised in England before. At length, after long disputes the legateship was taken from the bishop of Winchester, by pope Celestine II. and given to the archbishop of Canterbury, not as his right, but as the free gift of the holy see. Thus the popes artfully improved all occasions to extend their authority. The reader will see in the course of the history, the reason of my insisting thus on the affair of the legates. For by their means chiefly it was, that, in some of the following reigns, the popes rendered England liable to numberless oppressions. Gervase, p. 1665.

The court of Rome would doubtless have run greater lengths in her usurpations, if the frequent schisms in those days had not caused her to lose a great deal of ground. To gain or preserve the obedience of the christian princes, the popes were often forced to pass by many things, which they would not have done in other junctures. However, when they could not help making concessions to their disadvantage, they seldom failed, of adding some ambiguous clause, which left room to explain them in their own favour at a more proper

per season. I have related an instance in the proceeding of Calixtus II. when he promised to send no more legates into England, except in case of necessity: for the popes themselves were afterwards judges when it was necessary. If all the kings had been like the two Williams, they would have put their own construction upon these clauses. But as some were weak or superstitious, and others, who had more resolution, often embroiled in troubles, which obliged them to keep fair with Rome, the popes never failed of improving these junctures. We are now going to see, in what manner the four first Norman kings behaved with regard to the pope, during the schisms which happened in their reigns.

Radmer,  
p. 6.

England acknowledged Gregory VII. who came to the papacy in the reign of William the conqueror. And yet, the election of the anti-pope Clement III. was no sooner over, but William resolved to stand neuter, until the affair was decided. On occasion of this schism it was, that he forbade his subjects to own any pope without his permission. This neutrality of England evidently appears in Lanfranc's answer to cardinal Hugo Candidus, who solicited him to side with Clement III. The letter runs thus in Baronius.

Baron.  
Ann.

1092.

“ I received your letter, but can by no means approve  
“ of part of the contents. Your invectives against Gregory,  
“ whom you affect to call Hildebrand, and the strange  
“ names you give his legates, is what I do not understand.  
“ On the other hand, your excessive commendations of  
“ Clement, and the extraordinary character you give him,  
“ are doubtless carried too far. It is written, we are not  
“ to pronounce a man happy before his death, neither are  
“ we to detract from our neighbour. The merit of men  
“ is a thing that lies out of sight: and therefore we cannot  
“ pronounce with truth upon their future condition. How-  
“ ever, I am persuaded the emperor would not have em-  
“ barked in so great an undertaking, without having good  
“ reasons, nor could have thus prospered, without the sig-  
“ nal blessing of the Almighty. As for the voyage you de-  
“ sign to take into England, I would not advise you to it,  
“ unless the king's leave can be first obtained. For as yet  
“ we have not entirely disclaimed Gregory, nor declared for  
“ his competitor. But when the cause of both sides shall  
“ be maturely examined, we shall then be better able to  
“ come to a resolution.”

Gregory

Gregory VII. was succeeded by Victor III. who died in 1087, about a year before William the conqueror. Urban II. was chosen in his room, and presently after William Rufus ascended the throne of England, whilst the schism still continued between Urban and Clement. The English may be said to be for some years without a pope, since they recognized neither of the two competitors. When Anselm <sup>Eadmer,</sup> would, by his own authority, have owned Urban II. Wil- P. 25. liam opposed it, till, by an artifice, mentioned hereafter, Urban gained him to his obedience. This step being made, England remained under the jurisdiction of this pope, and his successors Paschal II. Gelasius II. and Honorius II. After the death of Honorius, a fresh schism was formed, by the double election of Innocent II. and Anacletus. These two popes, having each their adherents, divided all Europe. Innocent stood in need of all the credit and eloquence of St. Bernard, to be acknowledged in France, where was a strong party against him. It was a long while before that kingdom, as well as England, declared for either of the rivals, so difficult was it to judge which had the best title. Each alledged reasons, which served rather to destroy his adversary's right than support his own. It may be easily guessed, that during the uncertainty with regard to these popes, recourse was had to neither. A galling circumstance to those that assert the necessity of a pope in the church.

If the popes lost ground by these schisms, the loss was <sup>Crusades,</sup> amply repaired by the Crusades, which furnished them with opportunities of extending their authority. It is foreign to my purpose to examine what right the christian princes of Europe had to Palestine, conquered by the Saracens upon the emperors of Constantinople. It suffices to say, that the project of wresting from the infidels the country bedewed with the blood of Christ, seemed so noble and meritorious, that all the princes of Christendom gloried in promoting it with their wealth and forces, and some even with their persons. The people, in imitation of their sovereigns, blindly engaged in this undertaking upon Peter the hermit's setting forth the miseries to which the christians in Palestine were exposed under the empire of the Saracens <sup>1</sup>. Urban II. was the first that formed the project of uniting all the christians

<sup>1</sup> He was a French priest, and had travelled in pilgrimage to the Holy Land, where he was extremely afflicted with the miseries the christians endured. He pretended that our Saviour appeared

to him in a dream, and commanded him to go and engage the western christians to undertake their deliverance, promising him success.

## THE HISTORY

in Europe, to attempt the deliverance of their brethren in the east from servitude, and to that purpose preached, in 1095, the first crusade at the council of Clermont. His exhortations were so surprisingly effectual, that in a short time was seen marching towards the Holy Land a prodigious army, the success of which is known to all the world. The Saracens were driven out of Palestine, and a christian kingdom founded, which lasted but fourscore and ten years. The infidels becoming masters of the country again, the popes never ceased exhorting the christians, to recover what the church had lost in those parts. This occasioned several fresh crusades which procured the popes many advantages. In the first place, as they declared themselves heads of these expeditions, they took into their protection all that were willing to embark in the same. By this means they had opportunity to interpose in all affairs, there being few of any moment, but what some one of the croisèes were concerned in. In the second place, as these expeditions could not be undertaken without an immense charge, the popes took occasion to impose on the clergy, under the name of tenths, taxes, of which they had the sole disposal. In the next place, after once they were possessed of the privilege of publishing a crusade whenever they thought fit, they drew from thence a consequence of very great use to them. They pretended, the extirpation of hereticks, tended as much to the glory of God as that of infidels. Now as they assumed to themselves the power of declaring what was heresy, the moment any prince offered to oppose their encroachments, they pronounced him heretick, excommunicated him, and published a crusade against him. Of this we shall meet with several remarkable instances in the course of this history. It is no wonder then, the popes cherished this frantick zeal for crusades, since they turned it so much to their advantage. Thanks be to God, the blindness of christians in this respect has long since been cured.

The council during the four reigns.

Synod of Winchester. S. Dunelm. Spond. Hoved.

In proportion to the growth of the pope's authority, the power of the bishops, archbishops, provincial or national synods, visibly decreased. The reason is, because their decrees and canons were liable to be annulled upon the least appeal to the pope. Accordingly in the interval I am now going through, we find but very few councils worth notice.

The first was held at Winchester in 1070. Hermenfred, bishop of Cisteron, John and Peter, cardinal priests, presided as the pope's legates. As nothing material was transacted in this synod, besides the depriving Stigand and some other bishops,



bishops, it is needless to say any more of it. I shall only take occasion from this council to remark, that in those days a bishop was above a cardinal, since in the acts of this synod, the bishop of Cisteron is always named before the cardinals his colleagues.

In 1075, Lanfranc called a synod at London, where it was ordained, that for the future, provincial and diocesan synods should be held more frequently, the use of them being discontinued since the conquest. The precedency of the sees was also regulated according to the degrees of the VIth council of Toledo and others, and every prelate was to take place according to the priority of his ordination. It was agreed, that in the councils, the archbishop of York should be seated on the right, and the bishop of London on the left hand of the archbishop of Canterbury <sup>k</sup>, and the bishop of Winchester, next the archbishop of York <sup>l</sup>. Some canons were also passed, the most remarkable are as follow :

The Vth forbids all persons, bishops and abbots excepted, to speak in the councils without leave from the president.

By the VIth marriage is prohibited to the seventh degree, for which the authority of Gregory the great is vouched. But we have seen that according to the testimony of Bede, this pope, in his answer to Austin's questions, limits the prohibition to the second degree only.

The VIIth is against simony. This canon, for some time, had passed in all the councils. In all appearance this disorder was become very common, or perhaps it was to prepare the way for the prohibition of taking the investiture of benefices from the hands of laymen, to which simony served for pretence.

The VIIIth is levied against sorcery and divination, and the like superstitious practices.

By the XIth no ecclesiastick is to give his vote to sentence a person to die, or lose his limbs.

In the following year 1076, the same archbishop convened a synod on occasion of the marriage of priests.

In 1094, a synod was held at Rockingham on occasion of the contest between William Rufus and Anselm.

Eight years after, in 1102, in the reign of Henry I. Anselm summoned a national synod, to which the temporal lords were invited, to be witnesses of the proceedings. Some canons were passed, the principal of which are :

<sup>k</sup> Because he is dean of the see of Canterbury.

<sup>l</sup> Because he is chantor of the same see. Gervase.

Council of London.  
Malmsh.  
G. Pontif.  
Brompt.  
Spelman.  
Con. vol. II.  
p. 7, &c.

Spelman,  
p. 11.  
Rockingham synod.  
Id. p. 16,  
&c.  
National synod at London.  
Flor. Wig.  
Spelm.  
p. 21.  
Eadmer,  
p. 67.

The 1st against simony.

The IVth forbids archdeacons, priests, deacons, and canons to marry, or to live with their wives if already married. This was the first general prohibition against the English priests keeping their wives, which was disapproved by many people.

By the VIth, sons of priests were not to succeed to their fathers churches.

The IXth enjoins the priests to have open crowns, that the tonsure might be the more apparent.

The XIIIth forbids the abbots to make knights, though they had, till then, enjoyed that privilege <sup>m</sup>.

The XIVth declares all promises of marriage made without witness to be void, in case either of the parties denies the engagement.

The XVIth forbids monks or nuns to be godfathers or godmothers.

The XVIIth confirms the prohibition of marrying within the seventh degree.

The XVIIIth forbids the burying the dead out of their parish <sup>n</sup>.

The XIXth thunders anathemas against such as sold men like horses. Notwithstanding this canon, the lords of manors still retained the right of villanage, that is, of selling their villans, who were considered as a sort of slaves.

The XXth was against sodomy. It is remarkable, that canons against this crime was never thought of till the clergy were obliged to celibacy, it being scarce heard of in England before.

Dunelm. I have spoken elsewhere of the council in 1125, on occasion of the marriage of priests, in which cardinal John de Créma presided.

<sup>m</sup> Brand, abbot of Peterborough, knighted his nephew Hereward, in the reign of William the conqueror. The manner was, by confession of his sins, and watching, and praying in the church, the whole foregoing night; then in the morning before mass, he offered up his sword on the altar, and after reading the gospel, the priest first having blessed the sword, put it over the new knight's neck, and so having communicated, he was ever after held a lawful knight. The word knight, signifies a servant, attendant, or soldier; hence knights, and knights fees, for

such as held their estates by military service, and were obliged to attend the king in his wars. But the honorary knights were such as were gladio cincti, as above. And we find not only princes but subjects, both ecclesiastical and lay, had power to confer knighthood. Lanfranc knighted William Rufus, and John duke of Bedford, gave the same dignity to Henry VI. As gilt spurs were used on this occasion, they were milites aurati. See Selden's titles of honour.

<sup>n</sup> In order to deprive the minister of the parish of his dues. Spelman.

In 1127, William Curboil, archbishop of Canterbury, held <sup>The council at Westminster.</sup> a synod at Westminster, where he presided as the pope's legate. The most considerable of the canons that were passed are these: <sup>Cont. Flor. Wigor.</sup>

The III<sup>d</sup> forbids the taking money for the receiving monks and nuns into religious houses.

The VI<sup>th</sup> forbids a plurality of archdeaconries, under pain of excommunication.

The VII<sup>th</sup> makes it unlawful for ecclesiasticks to turn farmers.

The VIII<sup>th</sup> enjoins the punctual payment of tithes, and calls them, the demesnes of the Most High.

In 1138, Alberic, the pope's legate, convened a synod of <sup>Gervase. Spelman. Conc. vol. II.</sup> seventeen bishops and thirty abbots. But this, which was summoned only to choose an archbishop of Canterbury, and several others, in the reign of Stephen, assembled for political affairs, having nothing worth noting. <sup>P. 39.</sup>

As, after the conquest, we find the names of some bishopricks to disappear, and others, unknown in the Saxon time, to arise, it will not be improper to mention those alterations, in order to avoid obscurity. <sup>Translations of the sees. Brompt.</sup>

In 1075, the see of Sherborn was removed to Salisbury: <sup>Brompt.</sup> that of Selsey to Chichester: and that of Litchfield to <sup>P. 975.</sup> Chester.

In 1092, in the reign of William Rufus, the see of Dorchester was removed to Lincoln<sup>o</sup>, and the see of Wells to Bath. The popes were not well pleased with these removals, being done without their leave. Paschal II. loudly complained of it to Henry I. but as there was then a schism on foot, he dared not to push the matter any further.

In 1108, in the reign of Henry I. Ely monastery was <sup>Ely made a bishop's see, S. Dunelm.</sup> erected into a bishoprick, with the approbation of the pope, and consent of the bishop of Lincoln, who resigned part of his diocese for that purpose.

In the same reign Carlisle, called by the Romans, Luguballia, which had been destroyed by the Danes, and rebuilt by William Rufus, was made an episcopal see, <sup>and Carlisle. Brompt.</sup> Adelwale being the first bishop. This diocese was taken from that of Durham.

We find in Anglia-Sacra, and the history of the church <sup>A project of erecting Winchester into an archbishoprick.</sup> of Winchester by Rudburn, that in 1144, pope Lucius sent the pall to the bishop of Winchester, king Stephen's brother.

<sup>o</sup> By Remigius bishop of Dorchester, who built Lincoln cathedral. <sup>Hunt.</sup> M. Paris.

thier, with intent to erect that see into an archbishoprick, and annex it to the seven dioceses of the kingdom of Wessex. But that proceeding being generally disliked, and the bishop fearing to meet with too strong opposition, deferred to another time the execution of his project, which vanished by the death of Lucius.

Abbeys.

Battle-Abbey was founded by William the conqueror, as was said in his life. In 1101, Henry I. founded the monastery of Clerkenwell, and the priory of St. John of Jerusalem. The abbey of Reading was also of this king's foundation.

New orders  
of monks.  
Knighton.

Towards the end of the eleventh, or in the beginning of the twelfth century, were instituted the orders of the Carthusians<sup>1</sup>, Cistercians<sup>2</sup>, Præmonstratenses<sup>3</sup>, who afterwards settled in England. To these may be added the regular canons reformed by Ivo of Chartres in 1098<sup>4</sup>.

Dispute about transubstantiation.

Amongst the remarkable occurrences in the church, during the four reigns we are going through, the famous controversy about the holy eucharist is by no means to be passed over in silence. Though it made not so much noise in England as it did in France, yet being a point wherein the whole church

<sup>1</sup> For an account of the other monasteries founded within this period, see Dugdale's Monastic. Anglican.

<sup>2</sup> So called from Chartreuse in Grenoble, where they were first established in 1086, by one Bruno of Cologne, canon of Rheims. They are said to settle in England in 1180. They followed St. Bennet's rule.

<sup>3</sup> They had their names from Cistercium, or Cîteaux in the diocese of Chalons, where they first assembled under Harding, an Englishman, in 1097. St. Bernard was soon after received into their society, whence they were styled Bernardines. These reformed also upon St. Bennet's rule. They came hither in 1123, being brought in by William Giffard, bishop of Winchester; and were first settled in the abbey of Waverley in Surrey. In 1151, their chapter made an injunction, that there should be no more monasteries of that order founded; there being already five hundred at that time. M. Paris.

<sup>4</sup> This order was founded by St. Norbert of a noble family in Cologne, in 1120, at a place said to be pointed out to him by the blessed virgin, thence

called Præmonstratum, that is fore-shown. They were brought into England in 1146, and settled at Newhouse in Lincolnshire. They followed the rule of St. Augustin. Brompt.

<sup>5</sup> The canons were distinguished into regular and secular; the first reforming upon the last, gave them that name by way of reproach. They pretended to receive their rules from St. Augustin.— In this reign also was founded the famous order of Sempringham, whose origin was this: Joceline, a knight of Lincolnshire, having a son named Gilbert, whom, for some imperfection in his limbs, he thought unfit for the world, he made him a priest, and gave him a benefice in a town of his in Lincolnshire, called Sempringham. This Gilbert was founder of the order of the Gilbertines, or of Sempringham. He inclosed within one house both men and women; but separated them with walls, that they might neither see, nor hear one another. This order, in his life-time, increased to ten houses, containing in all seven hundred brethren, and one thousand five hundred sisters. Stow's Chron. See also Monastic. Anglican. vol. II.

church was, and still is, greatly concerned, it will not be improper to give a brief account of the rise and progress of this dispute.

Towards the latter end of the eighth century, Paschasius Radbert, a monk of Corbey, published a treatise, asserting that the bread in the eucharist was the same body of Christ that was born of the virgin, and that the wine was the same blood which was shed on the cross. This opinion seemed to be entirely new to several learned men, who vigorously and sharply wrote against it. Johannes Scotus, surnamed Erigena, that is, of Irish extraction, Raban archbishop of Metz, and Bertram the monk, were the principal opposers of this doctrine. On the other side, there were some that undertook its defence. Without entering into the arguments of both parties, I shall content myself with making two remarks. The first is, if christians had all along been of Paschasius's opinion, it is hard to conceive, that so many persons of learning should look upon his doctrine as a novelty. In the second place, it must be confessed Paschasius's notion prevailed in such a manner over the other, after the eighth century, that when the controversy was revived two hundred years after, the doctrine contrary to Paschasius's had generally the imputation of novelty fixed upon it.

This dispute being at length ended, either because people were tired with it, or their minds taken up with other matters, it lay dormant for near two hundred years. In 1035, Berengarius archdeacon of Angers, who had a great character for his learning, perceiving Paschasius's opinion gained ground, attempted to stop its progress. He published a quite contrary doctrine, and was suffered to remain in it for twelve or fifteen years, without any opposition. The first that attacked him was Adelman, a prebend of Liege, and afterwards Bedwin, bishop of the same church, who endeavoured to make him alter his sentiments.

Mean time, Berengarius held a correspondence with Lanfranc, then abbot of St. Stephen's in Caen. The subject of their letters ran upon the nature of the eucharist. Lanfranc maintained Paschasius's opinion, and Berengarius, on the contrary, vindicated his own. One of Berengarius's letters happening to fall into the hands of pope Leo IX<sup>th</sup>, he thought fit to call a council upon that occasion. Berengarius was condemned for differing from the common opinion;

Berengarius  
hist. de  
l'Eglise

\* It was directed to Lanfranc in Normandy, but he being gone to Rome, it was sent by some authority to the pope.

and for alledging, in his letter, the arguments formerly used by Scotus against Paschasius. Lanfranc, who was present at the synod, was obliged to purge himself of the suspicion of holding too close a correspondence with this pretended heretick. However, as Berengarius was condemned unheard, the pope held another synod at Verceil, and summoned him to appear. He came not in person, but sent two ecclesiastics to make his defence, who, as Lanfranc testifies, gave up their master's cause. Berengarius was therefore condemned a second time, and Scotus's book, from whence he had borrowed his arguments, involved in the same sentence. Instead of submitting to the decision of these two synods, Berengarius wrote in defence of Scotus, and dropped some satirical expressions against Paschasius, the pope, and the church of Rome. His arguments appeared so convincing, that several openly declared for his opinion, and even wrote in his favour. It is true indeed, all those writings were suppressed, but the fact, for all that is not the less certain. An ancient author remarks, all France was in combustion on account of Berengarius, many learned men disputed for and against him, both by word of mouth and in writing.

Sigebert.

The doctrine of Berengarius must have been spread in several places, since Victor II. Leo's successor, thought it necessary to hold another council at Tours, to decide this controversy. Berengarius being obliged to appear at this synod held in his neighbourhood, it is pretended, he durst not maintain his opinion, but acquiesced in the decisions of the two former councils. But we have only his adversaries word for this. However, if he did recant, he repented of it afterwards, and continued, as before, to maintain his opinion. Whereupon he was cited by Stephen X. to a council held at Rome in 1059. Berengarius appeared, and if we may believe the historians, most of whom were his enemies, he durst not defend his cause. Nay, he subscribed a writing, wherein he is made to say, that the body of Jesus Christ was handled in a sensible manner by the priests, and ground by the teeth of the communicants. Afterwards, he was compelled by threats, to burn with his own hand Scotus's book, from whence it was pretended, he had sucked his errors. It must be observed, that though some say he durst not defend his cause, yet others affirm, he disputed a good while with Lanfranc and Alberic a monk of mount Cassin. However, his signing the writing was not so much owing to his adversaries arguments, as to his being over-awed by their threats.

threats. You did not do it (says Lanfranc to him in one of his letters) for the sake of truth, but to avoid the death you were threatened with. Accordingly we find afterwards his heart consented not to what his hand had done, since, notwithstanding his many recantations, he persisted in his old opinion to his dying day.

In 1063, a council was held at Roan upon the same occasion, and another at Poitiers in 1075, where Berengarius was present, and even ran some risk of his life, which served only to give him a worse opinion of his adversaries. At last, Gregory VII. coming to the papacy, and being desirous to end this affair, which was so often renewed, held a council at Rome in 1079. Before the opening of the synod, he proclaimed a fast for thirty days, to beseech God, that he would be pleased to grant the council the grace to discover the truth. It is strange, after so many decisions, conformable, as it is pretended, to the doctrine of the church in all ages, they should still be in suspense what to believe in this matter. Berengarius made his appearance, and signed a recantation more full and explicit than any of the former. He declares, that the bread and wine in the sacrament are substantially changed, by the miraculous operation of the words of our Saviour, into the true, visible, and living body of Jesus Christ, not figuratively, and sacramentally, but truly, properly, and substantially. This recantation was as far from causing him to alter his mind, as the others. This appears from his being cited once more to a council at Bourdeaux, where he came and was condemned. He passed the rest of his life in retirement [near Tours,] where he died in peace in 1088.

1063.

These particulars afford matter for several Reflections. In the first place, if the doctrine of Berengarius was manifestly contrary to the belief of the universal church, since the time of the apostles, it must be surprising there should be occasion for so many councils on this subject. In the second place, the great number of councils, is a clear evidence that Berengarius's opinion was spread far and wide, since so much pains was taken to stop its progress. Thirdly, it is no less strange, that neither Berengarius, nor any of the bishops and other ecclesiasticks his friends, were ever deprived. If Berengarius had sincerely recanted, it would be easy to guess the reason of his being so favourably dealt with by the popes and councils. But besides that these frequent recantations were a presumption, that the last was no sincerer than the former, there are very strong proofs of his dying

Reflections  
on this dispute.

ing in his old opinion. And indeed, notwithstanding his recanting, Lanfranc always considered him as a schismatick. An anonymous author, who wrote eight years after his last recantation, calls him a heretick \*. An evident sign that he went out of the world in his pretended error. It is true, Malmsbury affirms, Berengarius died a catholick, that is, in the sentiments of the church of Rome. But he was led into this mistake, either by believing his last recantation real, or from the honourable epitaph Hildebrand, bishop of Mans, made for him after his death †. Without doubt Malmsbury, who has inserted his epitaph in his history, could not imagine that a bishop would bestow so great commendations on a man that was actually a heretick.

Lastly, it may be further observed, that although the account we have of Berengarius, is from his adversaries, several of them could not forbear mentioning the great progress of his doctrine in Germany, Italy, and particularly in France. As for England, it is no wonder this controversy made less noise there than elsewhere. The late revolution in that island kept the English intent upon other matters. I shall close my remarks with observing, that Berengarius's frequent recantations were very prejudicial to his doctrine. In an age like that, few persons being capable of judging for themselves in so intricate a case, example and precedent swayed more than knowledge and conviction. Now it is certain, the appearances were against Berengarius, because it was carefully given out, he recanted upon seeing his error. Not a word was said of the threats that extorted his recantations, though nothing was more certain by the testimony of Lanfranc himself.

Most noted  
ecclesi-  
asticks.

To finish what I have to say concerning the state of the church, during the four first Norman reigns, nothing remains, but to subjoin a brief account of the most noted bishops and other ecclesiasticks.

Aldred.

Aldred, archbishop of York, who crowned William the conqueror, was a good and pious prelate. He had been abbot of St. Peter's at Gloucester, where he built the cathedral. Afterwards he purchased several estates in the neighbourhood of York, and annexed them to his archbishoprick. He was likewise a great benefactor to the abbey of Beverley ‡.

\* Berengius calls him a rotten heretick.

† He gives him a great character for his learning and morals.

‡ He went in pilgrimage through Hungary to Jerusalem, which no English bishop was ever known to have done. S. Dunelm.

Though



Though Stigand, according to the pretensions of the <sup>Stigand.</sup> court of Rome, intruded himself into the archiepiscopal see of Canterbury, and was for that reason suspended by the pope, he performed however the functions of a metropolitan, during the reigns of Edward and Harold. If William the conqueror refused to be crowned by his hand, it was purely to avoid a contest with the court of Rome, for otherwise he treated that prelate at first with great distinction. When Stigand attended him into Normandy, the clergy there, without regarding the pope's censures, paid him all the respect due to his rank. Afterwards, the conqueror had different thoughts of him, and caused him to be deprived by the council of Winchester. As soon as this prelate was removed from his dignity, the king no more regarded him, but threw him into prison to force him to discover his hid treasures, which were very considerable. But nothing be- <sup>Malmsh.</sup> <sup>Brompt.</sup> ing able to wrest this secret from him, he ended his days in prison. After his death a little key was found about his neck, with a note directing to the place where his money was lodged, which was all seized to the king's use.

Marianus Scotus, born in Scotland in 1028, being thirty <sup>Marianus</sup> <sup>Scotus.</sup> years of age, retired to a monastery at Cologne. He was afterwards removed to the abbey of Fulde, where he wrote a general history of Europe from the creation to the year of our Lord 1082. He died four years after, in 1086. The Scots were at that time very well received in Germany, where a prince of that nation, who had served under Charles the great, founded fifteen monasteries, whose abbots were all to be Scotchmen.

Wulfstan, bishop of Worcester, had a great character for <sup>Wulfstan.</sup> <sup>S. Dunelm.</sup> his piety, which some have carried too far. It is pretended he wrought several miracles, as well in his life-time as after his death. It appears however, that Lanfranc, archbishop <sup>Brompt.</sup> of Canterbury, had no great opinion of this prelate's merit, since he would have had him deprived by a synod for insufficiency and want of learning. This gives room to suspect Wulfstan's virtue consisted in great simplicity, which is industriously made to pass for an extraordinary sanctity. Malmsh. <sup>Brompt.</sup> bury, who has writ his life, relates a circumstance, which plainly shews this prelate's great conceit of his own merit. As the monks, who stood by at his death, expressed great sorrow for the loss of him, he comforted them by assuring them, they should have in him a more powerful patron after his death than during his life.

Lanfranc.

Eadmer.

Eadmer,

p. 5.

Id. p. 9.

Anselm.

Eadmer.

Lanfranc, whom I have had frequent occasion to mention, was born at Pavia. After finishing his studies, he turned monk, choosing the abbey of Bec in Normandy, where he taught logic, and gained a great reputation. His frequent reproaching the rest of the fraternity for their ignorance, was the cause of his fortune. The monks preferring a complaint against him to William the bastard, who was then only duke of Normandy, he was obliged to go to court to justify himself. In his conversation with the duke, that prince was so charmed with his merit, that instead of punishing him, as his accusers expected, he made him abbot of St. Stephen's at Caen, from whence he afterwards promoted him to the see of Canterbury. Lanfranc's credit, which was very great in the conqueror's reign, declined under William Rufus, for whom however he had procured the crown. His death, which happened soon after in 1089, saved him perhaps a great deal of trouble. He rebuilt the church of Canterbury, burnt by the Danes in archbishop Elphegus's time, and fixed the number of the monks of St. Augustin, at one hundred and fifty, which before was not limited. He gave them also a prior, instead of a chorepiscopus. A famous trial, wherein he got the better of Odo, bishop of Bayeux, and earl of Kent, put him in possession of twenty-five manors, which that bishop had seized. He passed for a great statesman, as well as for an able and learned divine. His commentary on St. Paul's epistles, and his ecclesiastical history, which is not extant, were works of great repute. But of all his writings, his treatise against Berengarius, concerning the body and blood of Jesus Christ in the sacrament, was the most remarkable. Notwithstanding this testimony of the conformity of his sentiments to those of the Roman church, Gregory VII. would fain have obliged him to come to Rome, and give an account of his faith. Nay, he let him know, after several summons, that he should be suspended, in case he came not to Rome within four months. But Lanfranc never went, though he had time enough for the journey, for he did not die till eight years after \*.

Anselm, who was abbot of Bec, before he was archbishop of Canterbury, was the most famous of all the English bishops, for his contests with William Rufus, and Henry I.

\* Lanfranc exempted all the clerks, or parish priests of the towns belonging to him, or where he was lord, or presented to the living in any diocese, from

the jurisdiction and visitation of the bishops, which might be the original of peculiars. Eadmer. Brady.

The former of these disputes being of little consequence, I shall not lose time in descending to particulars, having elsewhere related what is material. I shall only observe one circumstance, which shows pope Urban's address to get himself owned in England.

Clement, the anti-pope being still alive, when Urban II. <sup>Eadmer,</sup> was chosen, England refused to acknowledge either of the <sup>p. 25</sup> popes. In the mean time, Anselm falling at variance with William Rufus, openly declared for Urban, contrary to the king's will and pleasure. As their quarrel daily increased, the king sought means to humble him. To that end, he let Urban know, if he would send him the pall designed for Anselm, that the archbishop might be obliged to receive it from him, he should be owned for pope in England. Urban <sup>p. 32</sup> liking the proposal, sent the bishop of Alba, to do as the king desired. However, this nuncio, without saying any thing of his having the pall, only told the king, the pope was ready to comply with his request, provided England would acknowledge his authority. Upon this assurance, the <sup>p. 34</sup> king performed his engagement, and then wanting to have Anselm's pall in his disposal, the nuncio told him, the thing was impracticable, because Anselm refused to receive the pall from the hands of a layman. In this manner was the king imposed upon, and forced to agree, that the archbishop should take up the pall himself from the altar, where the nuncio had laid it [by consent]. He never forgave the archbishop, who, as has been related, was obliged to go to Rome, and afterwards to retire to Lyons, where he remained till the king's death.

During Anselm's stay at Rome, he was present at a council, where it was decreed, that all ecclesiasticks, who for the future received the investiture of the benefices from the hands of a layman, should be excommunicated. In obedience to this decree, after his return into England, by Henry's own solicitations, he refused to do homage to that prince, and consecrate the bishops invested by the king. This refusal was the ground of a more important dispute than that with William Rufus, since the point in question was a prerogative, which the kings of England had been long possessed of. However, Henry being willing to act with caution, at a time when the court of Rome was grown very formidable by prevailing over the emperor, consented that Anselm should send agents to Rome, whilst himself dispatched ambassadors thither to plead his cause, and persuade the pope to leave him in peaceable possession of his right. <sup>Contest between Henry and Anselm about investitures. Eadmer, p. 50—70.</sup> Pas- <sup>p. 63,</sup> chal II.

- chal II. sent word, he could not grant the king a thing so expressly forbidden by several councils. Notwithstanding this refusal, Henry was firmly resolved to preserve a privilege received from his predecessors. Accordingly, he commanded the archbishop to do him homage, and consecrate the bishops invested after the usual manner. Anselm made answer, he could not obey the king, without disobeying the pope and the decrees of the synod of Rome, to which he had himself given his vote. What is this to me, replied the king, is the synod of Rome to deprive me of the prerogatives of my predecessors? no, I will never suffer any person, who refuses me the securities of a subject, to enjoy estates in my dominions. And then ordered the archbishop to do as he required, or depart the kingdom. Anselm answered, he could do neither, but would go down to Canterbury, and there wait God's good pleasure. The king and the lords of the council were shocked at this answer. After debating the matter, the council was of opinion, that the king should not have so great regard either to Anselm, or the pope himself, but should drive the one out of the kingdom, and disengage himself from all dependence on the other. The king, not thinking it advisable to proceed to these extremities of his own accord, summoned a general assembly or parliament. He represented to them the attempts of the pope upon the prerogatives of the crown, and the arrogance of the archbishop, who behaved to him not as a subject, but as an equal, or rather a superior. Upon these complaints the assembly agreed, that Anselm should be allowed a longer time for deliberation; that in the mean while the king should send ambassadors to the pope, to try to persuade him amicably to desist from his pretensions. The archbishop of York, and two other bishops, were charged with this embassy, and accompanied with two agents for Anselm. The ambassadors had instructions to offer the pope this alternative, either to relax in the point of investitures, or to see Anselm banished, and himself lose the obedience of the English, and all the profits accruing from thence. When these prelates had their audience of the pope, they represented to him the danger he exposed himself to, in case he refused to comply with the king. Paschal made answer, he would not only lose England, but his dignity too, rather than yield in the least. Anselm's agents had likewise their audience apart. After which, the pope sent two letters by them, one for the king, exhorting him to desist from his claim to investitures, the other for Anselm, enjoining him to persist in supporting the

the cause of truth. The king by means relishing this letter, would not communicate it to the lords. But Anselm caused his to be publicly read.

Mean time, the king's ambassadors, and Anselm's agents, differed very much in their reports. The bishops declared, the pope at a private audience told them, he was willing to indulge the king the liberty of investitures, provided he would in return give him satisfaction in other points: but that he durst not openly declare so much, lest other sovereigns should claim the same privilege. Anselm's agents, on the contrary, protested, the pope said nothing like it, and appealed for the truth of what they asserted to the letter sent to the archbishop. What they alledged was the more probable, as the king refused to produce the pope's letter. Nevertheless, there was no questioning the testimony of the archbishop of York, and the two other bishops, without accusing them of falsehood and shameful prevarication. Anselm himself was in suspense, since they appealed to the pope for the truth of what they delivered. In this uncertainty, he thought it most advisable to prolong the time, till he was better informed of the pope's intentions. To that purpose, he offered to communicate with the bishops who had received investiture from the king, which he had hitherto refused, on condition he should not consecrate them, before he had heard from the pope. This temper giving the king and council some satisfaction, he had time allowed him to send fresh agents to Rome.

Whilst the agents were at the court of Rome, the king, who bore these delays with impatience, sent to the archbishop to consecrate the three bishops elect. Anselm answered, he was ready to consecrate one of the three, who had refused to be invested by the king, but for the others, he could not do it without the pope's consent. Upon his declining the office, the king commanded the archbishop of York to perform the solemnity. But the bishops who were to be consecrated, renounced the authority, and would not submit to it. This regard for the pope provoked the king to that degree, that he confiscated all their estates.

As soon as Anselm's agents were returned from Rome, the king went down to Canterbury, and sent to the archbishop to give him satisfaction, unless he would provoke him to new measures. Anselm answered, he had received a letter from the pope, which was yet unopened; that he would open it in his presence, and govern himself according to the pope's directions. Henry, enraged at the preference the archbishop

archbishop always gave to the pope's orders, replied, the point in question was not to know what the pope enjoined, for he did not intend to submit his prerogatives to his determination. However, the archbishop was not to be prevailed with, but remained firm to his resolution. At last, Henry willing to try all ways before he proceeded to other measures, advised Anselm himself to take a journey to Rome, to see if he could persuade the pope to relax. Anselm was very loth to go, but at length was prevailed upon, at the request of the bishops and barons, who represented to him, that the journey could not possibly do him any disservice.

Radmer,  
p. 70.

1103.

As soon as he was arrived in Normandy, he opened the pope's letters, where he found an absolute denial of all that the king's ambassadors had reported. However, he pursued his journey to Rome, where he was quickly followed by William Warelwaft the king's ambassador, formerly employed at the court of Rome by William Rufus. The ambassador being admitted to audience, represented to the pope, that he was in danger of losing England, if he persisted in depriving the king of his just prerogatives: adding, his master was resolved to lose his crown rather than part with the right of investitures. And I, answered Paschal, will sooner lose my life, than suffer the church's privileges to be thus usurped. This so positive an answer entirely breaking off the negotiation, the ambassador set out for England, and Anselm, who did not dare to return to his church, went and staid at Lyons.

Radmer,  
p. 73.

This attempt not succeeding, Henry sent another embassy to Rome. But as nothing new was proposed, it served only to exasperate the pope, who excommunicated the earl of Mellent, and some other lords of the council. He even threatened Henry with the church's censures, but however declined pronouncing any against him. Mean time, Anselm, perceiving the pope dilatory in his proceedings, grew apprehensive, he might long continue in exile, and, sooner or later, the pope and king come to an accommodation, of which he might well be the victim. Wherefore, he resolved to engage the pope so deeply in the affair, that there should be no possibility of drawing back. For that purpose, he made a visit to Adela, countess of Blois, Henry's sister, and told her, that after a great deal of patience, he must now be forced to excommunicate the king, unless he would forthwith desist from his pretensions. Adela being extremely troubled at this menace, endeavoured to procure an accommodation. To that end, she desired the king her brother, who

Radmer,  
p. 73.

p. 80.

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who was then in Normandy, to come to her at the castle of l'Aigle, where she designed to bring Anselm, that they might confer together. At this interview, things began, by means of the countess of Blois, to be in a better way. The king fearing the archbishop's threats, treated him very civilly. Anselm, in return, shewed greater respect to the king than he had hitherto done. They were not long together before they perceived in each other an equal desire to put an end to the contest in an honourable manner. Thus disposed, they amicably sought means to adjust the affair to their mutual satisfaction. As soon as an expedient was agreed upon, Henry sent William de Warelwast to the pope for his approbation. Paschal's affairs were then in such a situation, that he did not care to break with England. He was hard pressed by the Germans, who shortly after compelled him to fly for refuge into France. Matters therefore were accommodated upon these terms; the king was to renounce the right of investitures, and the pope to give the bishops and abbots leave to do homage to the king for their temporalities. Thus the pope and king got clear of this troublesome business, by a method as just as it was natural, and which should have been taken at first, if both had acted fairly and honestly. This will evidently appear, if we impartially enquire into the state of the question, which perhaps may not be amiss, since this affair made so great noise, and Anselm was so much concerned in it.

The king  
and Anselm  
agreed, p. 82.

In the first place, I shall lay down what seems to me undeniable, that ever since the time of Charles the great, sovereign princes had enjoyed the right of investitures, to bishopricks and abbeys, by the delivery of the ring and pastoral staff<sup>a</sup>. Gregory VII. was the first that attempted to deprive them of this privilege, about the latter end of the XIth century. The popes, his successors, pursued the execution of this project with the same earnestness. It must be confessed, the kings themselves gave the popes but two frequent occasion to exclaim against their abuse of this prerogative. Under pretence, that the bishops and abbots could not take possession of their benefices before they had received investiture, the princes publicly sold the bishopricks and abbeys to the best bidder. I say, sold them, for, though the

The true  
state of the  
question.

<sup>a</sup> Siebert of Gemblours (ad An. 773.) relates that pope Adrian I. at a council of one hundred and fifty three bishops and abbots, granted Charles the great the privilege of electing the pope,

and the right of investitures. Baronius and Peter de Marca deny the authority of this council, and affirm, it was forged by Siebert, to serve the interest of the emperor against Paschal II.

elections appeared canonical, yet the sovereigns over-ruled them, by having it in their power to refuse investiture to those they did not like. This alone was sufficient to obtain the election of such as they recommended, no ecclesiastick desiring to be bishop or abbot, without enjoying the temporalities. It was necessary therefore, in order to be elected, to have the king's consent, after which, the bishop, or abbot, even before consecration, received investiture in the manner above-mentioned. But besides that, simony had too often a place in these elections, there was another reason, which seemed to justify the popes in their attempts to abolish investitures, namely, the princes, by investing the ecclesiasticks not in the same manner as the laymen, and even before their consecration, seemed as if they assumed to themselves a power to grant spiritual jurisdiction. And this the popes represented as a manifest usurpation of the church's privileges. And indeed, it looked like it, because of the two characters which were confounded in the prelate elect, namely, as minister of the church, and as temporal lord of the lands annexed to his dignity. If the popes and princes had acted fairly, they would have carefully distinguished these two characters, but, on the contrary, each thought it his interest to leave them undistinguished. By that means the princes over ruled the elections, and the popes took occasion to dispute with the sovereigns the right they were possessed of. For want of distinguishing therefore, arose all those contests between the princes and popes. The princes declared, they would never suffer any person to take possession of lands, held of the crown, without receiving investiture at their hands. The popes, on their part, maintained, it was unreasonable, princes should interpose in elections, or pretend to convey a character which the church alone had power to confer. Thus both sides equally deviated from the true state of the case. For it was very possible for a man to be a bishop, or abbot, without being possessed of the lands held of the crown, in which case the prince had nothing to do. On the other hand, princes would have received no manner of detriment from any one's conveying a spiritual character without their consent, as long as it was in their power to secure themselves, before they put the prelates in possession of the temporalities. But there was no possibility of bringing them to this point, whilst both sides remained inflexible. Thus, it is manifest, the expedient practised by Paschal II. and Henry I. was very reasonable, and not at all prejudicial to the church's rights, or the king's prerogative. But in all appearance,



ance, this affair would not have ended so happily, if the pope's circumstances had not forced him to relax. This may be inferred from his behaviour to the emperor on the same occasion, to whom he could never be brought to grant, what he had now yielded to the king of England.

I have dwelt the longer on this part of Anselm's life, because it discovers the character of that prelate, who was honoured with the glorious title of saint, as all were that zealously adhered to the court of Rome. He was born in the year 1033, at Aost, a small town in Italy, belonging now to the duke of Savoy. At seven and twenty years of age, he turned monk in the abbey of Bec, of which Lanfranc was prior. When Lanfranc was made abbot of St. Stephen's at Caen, Anselm became prior, and afterwards abbot of Bec, from whence he was promoted to the see of Canterbury. He composed several theological treatises, of which father Gerberon published the largest edition in 1676. His writings, according to the testimony of du Pin, are full of metaphysical questions, argued with the appearance of a great deal of logic. The same author observes, that Anselm's letters are written in a less elaborate style than his other works. He is also the first who composed long prayers in the form of meditations. He passed for a prelate of great learning and an unblameable life. He has been much applauded for his firmness in his contests with William Rufus, and Henry I. But this firmness in maintaining the cause of the pope, which was gloried in for so many centuries, would not meet with that approbation at present. Anselm died in 1109, and was canonized in the reign of Henry VII. at the instance of cardinal Morton [then archbishop of Canterbury].

Anselm's  
life and  
writings.  
Eadmer,  
p. 12, 13.

Gilbert, bishop of London, was famous in the reign of Henry I. chiefly on the account of his learning, which gained him the appellation of universalist. These kinds of names were much in vogue at that time, as marks of honour for such as were distinguished in the sciences. He wrote a commentary on David's psalms; and an exposition on the lamentations of Jeremiah, which are still extant in manuscript.

Gilbert  
bishop of  
London.

Osmund, bishop of Salisbury, by birth a Norman, was earl of Dorset, and privy-counsellor to William the conqueror, when he was made a bishop. As in those days every diocese had a different liturgy, Osmund undertook the correcting that which was used in his. He rendered it more pure than it was before, by discharging a great many barbarous and rude expressions, and digesting the whole in a more commodious method. This liturgy, *secundum usum sarum*, with these emenda-

Osmund  
bishop of  
Sarum.  
Brompt.  
Knighton.

emendations, was quickly received in the other dioceses, and at length became common to all the churches of the kingdom. It is affirmed, that after Osmund's death, in the year 1099, there were several interpolations thrown in, which are by no means approved of at present.

Malachy.  
J. Hagulst.

Malachy, archbishop of Armagh in Ireland, is famous for his prophecy, concerning the popes which were to succeed to the papal chair after his time. These predictions are still extant <sup>b</sup>, and are a sort of riddles, of which endeavours are used to give some interpretation. He died in 1150, at the monastery of Clareval in France. St. Bernard has given us his life.

Ingulph.

Ingulph.  
P. 71.

Ingulphus was known to William the conqueror, when that prince, then duke of Normandy only, came into England to visit king Edward. He attended him into Normandy as secretary; but, some time after, resigning that office, went in pilgrimage to Jerusalem. At his return, he turned monk in the abbey of Fontevraud, from whence he was sent for, and made abbot of Croyland, by William the conqueror. He died in 1109, after writing the history of his monastery, which is inserted in the collection of the ancient English historians <sup>c</sup>.

Joffrid.  
P. Blesensis.

Joffrid, abbot of the same monastery, and immediate successor to Ingulphus, was the first, as some pretend, that erected schools at Cambridge, where he settled four of his monks as professors. If this be true, that famous university falls very short of the antiquity generally ascribed to it <sup>d</sup>.

Godfrid.

Godfrid, prior of Winchester, was one of the best writers of his time, if we may believe William of Malmesbury, who affirms, he writ with great elegance and politeness. He composed, amongst other things, a panegyrick upon the English primates. But what is more considerable, he reformed the breviary, by discharging all the barbarous terms; and making the style more pure and neat. Alford

<sup>b</sup> They were published by Arnold Wyon.

<sup>c</sup> Published by Dr. Gale. Ingulphus was born at London in 1030. His father was one of king Edward the confessor's courtiers. He was the first of our English historians after the conquest. In his history of Croyland, he has occasionally intermixed the story of our kings from the year 664, to 1091. Bishop Nicholson observes, that the relation he bore to the conqueror, ma-

nifestly biases him in the ill account he gives of Harold.

<sup>d</sup> This Joffrid, about the year 1114, began a custom which was afterwards practised by all the monks. Upon Good-Friday, stripping himself every year to the waist before all the convent, he was severely scourged. This was done as a penance for their sins, and to make a deeper impression of our Saviour's sufferings.

conjectures,

conjectures, this prior had a principal hand in correcting the liturgy of Sarum, which went under Osmund's name \*.

\* The principal writers during the four first Norman reigns, not mentioned by Rapin, amongst his persons of note, are :

William (1) of Poitiers or Picardien-  
sis, who, though a foreigner, and chaplain  
to the conqueror, has given us so fair  
an account of the Norman revolution,  
that he has found good credit with  
most of our historians.

Florence (2), a monk of Worcester,  
wrote a chronicle, which ended with his  
life, in 1119; but was continued 50 years  
farther by another monk of the same  
monastery. He epitomized or transcrib-  
ed Marianus, adding very many col-  
lections out of the Saxon chronicle,  
and other writers with much care and  
judgment. He is blamed for adhering  
so scrupulously to his authorities, as  
sometimes to retain their mistakes.

Eadmerus (3), a monk of Canterbury,  
in his *Historia Novorum*, &c. publish-  
ed by Mr. Selden, has given us the  
story of the two Williams and Henry  
I. from the year 1066, to 1122. It  
is a work (as bishop Nicholson ob-  
serves) of great gravity and unques-  
tionable authority. Tho' he was intima-  
tely acquainted with Anselm, yet he has  
given a fair account of the mighty dis-  
pute about investitures. Selden says  
his style equals Malmesbury, his matter  
and composition exceeds him.

Ordericus Vitalis (4) was a monk of  
St. Evreux's in Normandy, where he  
lived fifty six years. He wrote an ec-  
clesiastical history in thirteen books,  
wherein he has intermixed a great ma-  
ny things relating to our history. He  
is said to be immoderate in the praise of  
his friends, and the disparage of his ene-  
mies; and to be too large in his descrip-  
tion of little matters, whilst he passes

too cursorily over things of moment.

William (monk and library-keeper) of  
Malmesbury (5), in his account *de gestis  
regum Anglorum*, in five books, with  
an appendix in two more, which he  
styles *Historie Novellæ*, has made a  
judicious collection of whatever he found  
on record, from the arrival of the Sax-  
ons, to the eighth year of the reign of  
king Stephen, 1142. He has had the  
highest commendations given him by  
some of our best critics in English  
history. He is called elegant, learned,  
and faithful. *Usher* styles him the chief  
of our historians.

The most noble monument extant is  
the old Saxon chronicle (6), or annals. It  
begins from the birth of our Saviour,  
and ends with Stephen's death in 1154.  
By the difference of the style, and o-  
ther infallible marks, it is plain these  
annals were composed at several times.  
To the year 731, they chiefly follow  
Bede as to church-affairs: but their  
account of the wars between the An-  
glo-Saxons and Britons is borrowed  
from no writer that we know of, and  
therefore to them it is that we are in-  
debted for the relation of what passed  
in those days. *Affricus's* history of  
Alfred and the annals correspond in so  
many things, that the one seems to  
be a translation of the other. In a  
word, they have been the founda-  
tion of all our histories to the Nor-  
man conquest. They were published  
at Oxford in 1692, by Dr. Gibson, the  
late bishop of London, who, from all  
the manuscripts, has made up the text  
as entire and complete as possible, with  
an elegant and proper version, void of  
affected strains and unlucky mistakes  
which used to abound in works of this  
kind.

- (1) *Picardien-sis*. (2) *Florence of Worcester*. (3) *Eadmer*. (4) *Vita-  
lis*. (5) *Malmesbury*. (6) *Saxon chronicle*.

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# THE HISTORY OF ENGLAND.

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## BOOK VII.

*The restoration of the SAXON line: the reigns of  
HENRY II. and RICHARD I. Containing the  
space of forty five years.*

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### 5. HENRY II. surnamed PLANTAGENET.

1154.

Duke Henry  
comes to the  
crown with-  
out opposi-  
tion.

Gervase.  
Brompt.  
R. Diceto.

THE English were too weary of the civil wars, that had so long afflicted the kingdom, willingly to run the hazard of seeing them renewed. Though the death of Stephen might have easily furnished an occasion for fresh commotions, they peaceably waited for the duke of Normandy, who could not come into England, till six weeks after he had received the news <sup>a</sup>. During that interval, not a man offered to dispute his title. Besides that, prince William, son of the deceased king, was a prince of little merit, the late proceedings of most of the barons against his father, kept them from adhering to the fortune of

<sup>a</sup> When he received the news he was besieging a castle in Normandy, and though persuaded to do it, would not quit the siege till he had reduced the

place. After that he came to Barbe-  
fleet (now Barfleur) where he waited  
above a month for a good wind. Brompt.  
p. 1043. Gervas.

the

the young prince, for fear of putting it in his power to be revenged. Moreover, Henry was not only powerful beyond sea, but had also a great party in the kingdom, and the strongest places were in the hands of his creatures. And therefore, supposing William had been willing to try to place himself on the throne, he would have wanted the necessary assistance to accomplish his design.

Henry then was crowned <sup>b</sup> the next day after his arrival, pursuant to the agreement made with Stephen, of which all the barons of the realm were guarantees <sup>c</sup>. It was with extreme satisfaction, that the English beheld on the throne, a prince descended by his mother from their ancient kings, and who gave the crown a brighter lustre than ever. He added to it, as so many new gems, Poitou, Guienne, Saintonge, Maine, Anjou, Touraine, and Normandy, of which he was in actual possession. Mean time England, the most considerable part of his dominions, had endured such violent shocks in the late reign, that, in order to recover its ancient splendour, some rest was entirely necessary. The most proper means to that end, was the putting it out of the power of the factious to excite new troubles. Accordingly Henry made that his chief business from the first hour of his reign. He began with demolishing the great number of castles that were fortified in Stephen's reign, and served only for sanctuaries to robbers, and disturbers of the publick <sup>d</sup>. The bishop of Winchester alone had six of the most considerable, which he forfeited for going out of the kingdom without leave. This first step, which demonstrated to the barons the king's resolution to keep them in obedience, was followed by another no less beneficial to the kingdom; and that was, the sending away the foreign troops entertained by Stephen. These soldiers, known in the English historians by the name of Brabançons, and in French by that of Routiers or Cotteraux, were a mixture of people from several parts of Europe, and particularly from Germany and the Low Countries. As they professed themselves independent of any par-

1154.

1155.

He is crowned.  
Gervase.

Brompton.

He demolishes the castles.  
Brompt.  
Gervase.  
Hoved.  
R. de Diceto  
M. Paris.He disbands the foreign troops.  
Gervase.  
Brompt.  
M. Paris.  
Hoved.

<sup>b</sup> By Theobald archbishop of Canterbury, on the nineteenth of December, in the twenty third year of his age, at Westminster. Some historians say, he landed December the 7th, and was crowned the 19th. R. Diceto. M. Paris. But, according to Gervase, he landed the 8th, and was crowned the 17th. His queen Eleanor was crowned with him. Roger, archbishop

of York, was not at the coronation. Diceto.

<sup>c</sup> He was chosen by all with common consent, and anointed king. R. Diceto.

<sup>d</sup> He reserved however a few, that had been built by peaceable men, and kept them in his own hands. Brompt. Hoved.

1155. ticular prince, they served indifferently whoever would employ them, provided they found their account in it. Not to be regularly paid, they considered as an advantage, because they took occasion from thence to plunder the friends as well as the enemies of those that entertained them. So that usually the assistance of these troops became very burdensome to the princes themselves for whom they fought, as the English had often experienced. Henry, willing to ease his people of this dead weight which had so long oppressed them, dismissed all the foreigners, without suffering one to remain in the country. William of Ypres, their general, did not stay to be ordered to depart, the cold reception he met with at court, having already convinced him his absence would be very acceptable\*.

He recalls  
the grants  
made by Stephen.  
Brompt.  
Mat. Paris.

Had the new king stopped here, he might have been justly supposed to have no other view but the welfare and tranquillity of the kingdom. But he plainly discovered, he was swayed by more self-interested motives when, shortly after, he revoked all the grants made by his predecessor, and resumed all the lands, alienated from the crown. The possessors were extremely mortified, and loudly murmured, affirming, it was very unjust to deprive them of the reward of their services†. Those, especially, that had sided with the king and the empress his mother, were filled with indignation, to see themselves thus confounded with Stephen's adherents. These, on the other hand, maintained, that in serving the king who was actually on the throne, they had done the part of faithful subjects, and in depriving them of their estates, a precedent was established, which might one day be very prejudicial to the reigning king. There were several that even refused to comply, but upon the king's approach with an army to compel them, they were unable to resist. Only Hugh Mortimer presumed to defend one of his castles, which cost him the loss of all his others‡. William

M. Paris.

William, son  
of Stephen,  
is dispossessed  
like the rest.  
G. Neub.  
M. West.

of Blois, son of king Stephen, fared no better than the rest, Henry despoiled him of whatever was given him by the king his father, and of all his lands left him none but those that belonged to his family, before Stephen's accession to the crown. And yet, he had an incontestable title by the agree-

\* This year William Peverel was disinherited for poisoning Ranulph earl of Chester: he turned monk, to avoid the punishment he justly deserved. R. Diceto.

† William earl of Albemarle very

unwillingly resigned to him his castle of Scarborough. Brompt.

‡ Those of Gloucester, Worcester, Bridgnorth, Wigmore, and Cleobri, or Coleburgh. R. Diceto. M. West.

sment of the king his father with Henry. But of what force are treaties against breach of faith supported with power? Thus the nobles, enriched by the liberality of the late king, or of the empress Matilda, were suddenly impoverished by Henry's policy, who had frequent occasions to remark, how arrogant their riches had made them. Henry showed also, that *M. Paris* he acted from a principle of revenge, in depriving the barons of the new creation, of the honourable titles conferred on them by Stephen, on pretence they were bestowed as a recompence for favouring an usurper.

After the king had taken all the precautions he thought proper for restoring tranquillity in the kingdom, he chose a council of the most eminent persons as well of the clergy as the nobility. Theobald archbishop of Canterbury, Thomas Becket archdeacon of the same see, lately made chancellor, Robert earl of Leicester, chief justiciary of the realm, were the principal. At the head of the cabinet council was Matilda his mother, whom long experience and her own misfortunes had rendered wise at her cost. These two councils being established, Henry convened an assembly general or parliament at Wallingford, where he caused the barons to take the oath to William and Henry <sup>his sons</sup>, the first of whom died a few days after the ceremony. Before the assembly broke up, the king consented that the laws of Edward should be in force, and, of his own accord, confirmed the charter of Henry I. his grandfather. These proceedings of the new king gave great hopes to good men, whilst they struck the wicked with terror, who found themselves obliged either to abandon the kingdom, or behave very differently from what they had hitherto done. They were very sensible, they had to deal with a prince, who was fully resolved to root out the licentiousness introduced in the late reign.

Pope Anastasius dying this year, Adrian IV. an Englishman, succeeded to the papacy.

<sup>a</sup> This prince was born this year, Feb. 28, in London. *M. Paris*. *Gervase* says, it was in March.

<sup>1</sup> His name was Nicholas Breakspear, said to be the son of a bondman, belonging to the abbey of St. Albans, where being refused to be made a monk, he went beyond sea, and improved so in learning, that the pope made him bishop of Alva, and his leg-

ate to Germany, and afterwards a cardinal. *M. Westm.* says, he was descended of a noble family, in the territory of St. Albans. He proved a stout and active pope. Though he held the chair but four years, he put the city of Rome under an interdict, for insulting one of his cardinals, and excommunicated William king of Sicily. *Brompt.*

1155.

He chooses a council.

The barons swear fealty to the king's sons. *Gervase*. *Hoved.* p. 491.Adrian IV. pope, *Hoved.*

1156.

Henry goes  
into Nor-  
mandy.  
Hoved.  
Diceto.

As soon as Henry had settled his affairs in England, he crossed the sea, to do homage to the king of France for the provinces he possessed in that kingdom. These possessions rendered him the most powerful vassal of the crown of France, and almost equalled him to the sovereign himself, whose demesns were inconsiderable, in comparison of what they were afterwards. As the dominions, Henry and his successors were possessed of in France, proved the occasion of numberless wars between the French and English, it will not be improper briefly to explain, wherein consisted at that time the strength of the kings of France. Hence we shall be able to form a just idea of their power, and see the wide difference, in that respect, between the first successors of Hugh Capet, and those who, in these latter ages, have swayed the scepter of that kingdom.

Reflections  
on the  
strength of  
the king of  
France,

When Hugh Capet usurped the crown upon the house of Charles the great, he thought the best way to fix himself on the throne was to make the late revolution turn to the advantage of the French nobility. To engage them therefore to support his usurpation, he granted the provinces of which they were only governors, to them and their heirs, by the name of fiefs. These grants he confirmed by authentick charters, stipulating that the fiefs should devolve to the crown in default of heirs. Moreover, he reserved the right of confiscating them for rebellion and other crimes specified in the charters. By this immense bounty, he filled France at once with great numbers of powerful lords, or rather princes, who holding their lands by hereditary right, became so many sovereigns. The crown therefore had nothing left, but the governments Hugh Capet was possessed of before he mounted the throne. But these demesns, to which he added some vacant governments, were very considerable, because his family was grown very powerful upon the decline of the house of Charles the great. I am well aware, that all are not agreed Hugh Capet first changed the governments into fiefs, that some make this alteration more remote, and others affirm it to spring from some of the first kings of that race. But, besides that, the opinion, I have followed, is the most probable, the difference of a few years, more or less, is of no moment with regard to the general state of France, of which I mean to speak.

Among these fiefs, there were some distinguished for their great extent, which were styled peerdoms. Of this sort there were six ecclesiastical, and six lay. But as the first have little relation to the English history, it will be needless to mention



mention them<sup>k</sup>. Of the six lay peerdoms, three were duke-  
doms, Burgundy, Normandy, Guienne, and three earldoms,  
Flanders, Thouloufe, and Champagne. Each of these six  
peers had vassals which held their lands of him, in the same  
manner as he himself held his peerdom of the crown. For  
instance, the duke of Normandy had for vassal the duke of  
Bretagne, by the concession of Charles the simple, who an-  
nexed this right to the grant made to Rollo. Hence we may  
see, how naked the crown of France was, and how incon-  
siderable its revenues, in comparison of what they were af-  
terwards. To the time of Lewis VII. surnamed the young,  
who reigned in France when our Henry mounted the throne  
of England, the kings of France had not yet united any of  
these great fiefs to their demesns. It is easy therefore to per-  
ceive, that the new king of England, who held the two  
most considerable peerdoms, besides many other provinces,  
was possessed of as much, or more lands in the kingdom,  
than the king of France himself. But, notwithstanding the  
narrow extent of the demesns of the crown, the king of  
France was a very potent prince, by the aids he received  
from his vassals; aids that were furnished sometimes out of  
duty, and sometimes voluntarily. When the kingdom was  
engaged in a war, with the advice and consent of the states,  
each vassal was obliged to find a certain number of troops;  
and then it was, the sovereign appeared at the head of a for-  
midable army. But when the king undertook a war of his  
own accord, or for his own private interest, the vassals were  
at liberty to supply or refuse their quota of troops. Nay,  
they looked upon themselves as privileged to take up arms  
against him, in case of oppression, or even for a bare denial  
of justice. Such being the nature of the French constitu-  
tion, it is no wonder, that in the history of that kingdom, Mezerai.  
we find their kings marching one while with very inconsid-  
erable forces, and another while at the head of numerous  
armies. Their main strength consisted in the aids they re-  
ceived from their vassals. But matters were otherwise, when  
some of these large demesns, granted in fee, came to be united  
to the crown. Then by degrees they found means to abolish  
the distinction between a necessary, and an unnecessary war.  
Without regarding the approbation of the states, they oblig-  
ed their vassals to furnish them with aids at all times, con-  
founding incessantly the private views of the king, with the

<sup>k</sup> They were the archbishopricks of Rheims, Laon, and Longres, and the bi-  
shopricks of Beauvois, Noyon, and Chalons.

1156. interest of the publick. They even made use of some of their vassals to oppress the rest. This, added to the opportunities that offered of course to unite several provinces to the crown for want of heirs, so increased their strength, that they were able at length to keep the great men in obedience, but it was by degrees, and after a long space of time, that they arrived at this height of power.

Henry wages  
war with his  
brother  
Geoffrey.  
Gervase.  
Brompton.

The design to do homage to the king of France was not the sole motive of Henry's crossing the sea. His chief aim was to recover Anjou, seized by his brother Geoffrey, upon the following claim. Geoffrey Plantagenet earl of Anjou, father of these two princes, ordered by his last will, that Henry his eldest son should inherit the possessions of Matilda their mother, which included Normandy, and her right to England. To Geoffrey his second son, he left Anjou, Touraine, and Maine; and to a third son named William, gave only the earldom of Mortagne. But, as it was unreasonable, the empress his wife should be deprived of her possessions during her life, or Henry made to wait for her death without any inheritance; he added another clause in his will, namely, that Henry should enjoy, till the empress's death, the three earldoms assigned to Geoffrey, reserving to this last the cities of Lodun, Chinan, and Mirebel, till his elder brother should resign him the paternal estate, when in possession of Normandy. To secure the performance of this will, the earl caused his barons solemnly to swear, never to suffer his body to be buried, till his eldest son had taken an oath to execute his last will. It was with great difficulty, Henry was persuaded to take this oath. He was of opinion, his father had greatly wronged him, in depriving him of these three earldoms, which, according to custom, ought to devolve to the eldest son. However, rather than leave his father's body unburied, he swore to execute his will. Some time after, his mother Matilda resigning Normandy to him, Geoffrey thought he might justly take possession of Anjou, but, (as it has been related) Henry drove him out of that province. As soon as his brother was on the throne of England, Geoffrey renewed his pretensions, and, whilst the king was employed at home, once more took possession of Anjou. The Anjevins espoused his cause, choosing rather to have a private earl, than be in dependence on the crown of England. Besides he was assisted by the king of France, who was ever ready to lessen Henry's power, whom he looked upon as a very formidable neighbour. When the earl of Anjou made his will, there was little appearance of his eldest son's

son's mounting the throne of England, for Stephen's affairs were in a prosperous condition. For this reason he considered that kingdom, only as a thing to which indeed his son had a right to aspire, but from which he was very remote. It was not reasonable therefore that Henry, whilst he waited for the empress's death, should be deprived of his father's inheritance, and this was the ground of his father's leaving him the three earldoms during his mother's life. To consider only the intent of this will, it was manifest, that as soon as Henry was in possession of Normandy and England, he should have resigned Anjou to Geoffrey, especially as he had bound himself by oath. But he affirmed, the will was void, and his father had not power to deprive the first born of the patrimony received from his ancestors. His oath therefore was the only thing that gave him any trouble. But he found means to free himself from that scruple, by the pope's dispensation, which he easily obtained. As soon as he saw himself supported by this authority, he immediately resolved upon a war with his brother, the prosecution of which was the chief motive of his leaving England. After doing homage to the king of France, he marched towards Poitou, and took from his brother the cities of Mirebel, Chinon, and Loudun, then entering Anjou, notwithstanding Geoffrey's resistance, he became master of all the fortified places, and drove him out of the country <sup>1</sup>.

Brompt.

Henry dis-  
possesses  
Geoffrey of  
Anjou.  
R. Diceto.  
M. Paris.  
M. West.

The dispossessed prince would have been in a wretched condition, had not fortune thrown in his way the earldom of Nantes, the inhabitants whereof voluntarily submitted to him. As this event had very remarkable consequences, it will not be improper to clear this matter a little. Conan the gross, duke of Bretagne, had a son named Hoel, and a daughter called Bertha, married to Eudo earl of Pontievre her relation, by whom she had a son called Conan, from his mother's father. Some suspicions, well or ill-grounded, inducing Conan the gross to disown and disinherit his son; Eudo, husband of Bertha, got possession of Bretagne, after the death of his father-in-law, notwithstanding Hoel's efforts, who had only the city of Nantes for him. Bertha's death, four years after, was the occasion of fresh pretensions. Conan her son, surnamed the little, pretending Bretagne was his mother's inheritance, to which Eudo his father had no right, assumed the title of duke of Bretagne. Eudo, on his side, re-

The affairs  
of Bretagne.

<sup>1</sup> Thomas Becket, (made chancellor in 1155.) was of great service to king Henry in this war. Gervais,

1156. solving to keep possession of the dukedom, there arose between the father and son a war which lasted many years, and ended in the entire defeat of Eudo, who was obliged to fly for refuge to the court of France.

Geoffrey  
made earl of  
Nantes.  
Brompt.  
Henry re-  
covers Nor-  
thumber-  
land.  
M. Paris.  
Hoved.  
Brompt.  
R. Diceto.  
M. West.

Conan the little was no sooner in possession of Bretagne; but he undertook to reduce to his obedience the city of Nantes, which, after the death of Conan the gross, made a separate state under the dominion of Hoel. When the inhabitants of Nantes espoused the cause of Hoel, they did it from a motive of justice, being persuaded, the duke his father had wronged him very much in disinheriting him. Afterwards, they found themselves so deceived in the good opinion they had entertained of him, that they expelled him, believing him incapable of defending them against Conan, who was preparing to attack them. From that time, Hoel is no more mentioned in history. Mean while, the people of Nantes, not being able to resolve to submit to Conan, call in Geoffrey, brother of the king of England, and own him for sovereign. Thus Geoffrey became earl of Nantes immediately after his expulsion out of Anjou, but he did not long enjoy his new earldom.

After Henry had reduced Anjou, he returned to England. Upon his arrival he made a very advantageous treaty with Malcolm king of Scotland, who resigned to him Carlisle, Newcastle, and Bamborough castle, contenting himself with the earldom of Huntingdon, which prince Henry his father had possessed. This restitution was doubtless very just, since David, Grandfather of Malcolm, caused them to be surrendered to him by treaties, at a time when Stephen regarded his own interest more than the publick good. But in all appearance Henry's great power contributed more than any thing else to the king of Scotland's moderation.

1157.  
War with  
the Welsh.  
M. Paris.  
Brompt.  
Gervais.  
R. Diceto.

It is surprising that the Welsh, when Henry was grown so formidable, should causelessly venture to make incursions into his frontiers. The ravages they committed so provoked the king that he resolved to be severely revenged. He drew together a powerful army, and marched into Wales, where he destroyed all by fire and sword. Upon his approach, the Welsh retired to their mountains, where it was not possible to reach them, how much soever he endeavoured it. Nay, it happened one day, that his van-guard running into a narrow defile, were entirely routed. The terror this accident struck into the rest of the English troops, was farther increased by the imprudent conduct of Henry de Essex, hereditary standard-bearer of England. Upon a tumour which

run

run through the army that the king was slain, he threw down the standard, and fled, crying out the king is dead. **1157.** This action, for which he was afterwards punished <sup>m</sup>, threw the English into so great consternation, that, had not the king shewn himself to them to revive their courage, he would have hazarded that day the loss of his whole army. Notwithstanding these advantages, the Welsh thought themselves very happy that the king, weary of so troublesome a war, was pleased to grant them a peace <sup>n</sup>. By the treaty he reserved to himself the liberty of cutting through their woods large roads, which might, whenever he had a mind, give him entrance into their country. He caused them also to surrender certain castles, taken by them during the troubles of the late reign <sup>o</sup>. M. Paris.

In the beginning of the next year, Henry's family was increased by the birth of a second son <sup>p</sup>, who was named Richard. A few days after he renewed the ceremony of his coronation in the suburbs of Lincoln <sup>q</sup>, not daring to do it within the walls of the city. He shewed himself more superstitious in this point, or perhaps more condescending to the prejudices of the people than his predecessor Stephen. **1158.** The birth of prince Richard. Brompt. Hoved.

A year after, a third son was born to the king, who was called Geoffrey. This year he was crowned a third time at Worcester, together with the queen. These superfluous coronations, very frequent in those days, seem to be designed only to amuse the people, and intimate to them, that the king really intended to keep the oath which was taken on these occasions. At this last solemnity, the king and queen coming to the oblation, laid their crowns on the altar, and vowed never to wear them more. From thenceforward the custom of the kings wearing their crowns during the celebration of the great festivals, was by degrees disused, at least we find but few instances in the following reigns. About this time Henry ordered the money to be new coined, the current coin of the kingdom being very much debased during the reign of Stephen <sup>r</sup>. **1159.** Birth of prince Geoffrey R. Diceto. M. Paris. Mi. West. The king and queen never wear their crowns again. Hoved. Chr. Nor. New money. Hoved. R. Diceto. M. Paris.

These peaceful employments not suiting the warlike temper of this monarch, the death of his brother Geoffrey, The death of Geoffrey the king's brother.

<sup>m</sup> He was shut up in a monastery of Reading, and had his estate confiscated. M. Paris.

<sup>n</sup> He ordered a fleet to be got ready, in order to invade them by sea; whereupon they submitted to him. Brompt.

<sup>o</sup> This year also Malcolm, king of Scotland, came to king Henry at Chel-

ter, and did him homage. — Salvia omnibus dignitatibus suis. The next year they met at Carlisle, but parted not very good friends. Hoved.

<sup>p</sup> In September, at Oxford. Brompt.

<sup>q</sup> At Wickford.

<sup>r</sup> See note on the coin, at the end of this reign, &c.

which

1159. which happened soon after, gave him an opportunity of entering upon action. As soon as this prince was laid in his grave, the duke of Bretagne seized the city of Nantz, with the whole earldom of that name \*. But Henry claimed it as heir to his brother, and to prosecute his pretensions, he passed into Normandy, with so considerable forces, that it plainly appeared he would not be disappointed. Whilst he waited for the season's permitting him to enter upon his expedition, he made a visit to the king of France, with design to gain him to his side, or at least prevail with him to stand neuter. He was very sensible, if Lewis interposed not in this affair, the duke of Bretagne could not give him much trouble. Amidst the civilities he received from Lewis, he so artfully flattered him, that before they parted, a marriage was concluded between Henry's eldest son, who was but five years of age, and Margaret the French king's daughter, an infant of five or six months old. Having thus secured France, he went and headed his army, with a resolution to take the city by force, if Conan refused to give him peaceable possession. As Conan was by no means a match for the king of England, he was constrained to give way to his power. But the conquest of Nantz was not the only benefit Henry reaped by this expedition. Before he quitted Bretagne, he made a treaty with Conan, whereby the duke obliged himself to give his daughter Constance in marriage to Geoffrey, Henry's son, who was yet in his cradle. By this marriage, celebrated five years after, notwithstanding the bridegroom's youth, Geoffrey became duke of Bretagne upon the death of his father-in-law.

Marriage of  
Henry's eldest son with  
Margaret of  
France.  
Diceto.  
Brompton.  
M. Paris.  
Argentré.  
l. 2. c. 15.

The large dominions Henry possessed, and the earldom of Nantz, which he had lately acquired, with hopes of adding one day to it all Bretagne, were not sufficient to content him. His ambition still increasing as he made new acquisitions, he undertook to revive his queen's title to the earldom of Tholouse, which was of a very great extent. His late alliance with Lewis the young, made him hope that monarch would give him as little disturbance in Languedoc as in Bretagne, and leave him at liberty to extend his frontiers on that side. But he was mistaken in his conjectures. I shall first clear queen Eleanor's title to Tholouse, and then see what was the issue of that expedition.

William IV. earl of Tholouse, cotemporary with the conqueror, had but one daughter called Philippa, married to

\* Whereupon Henry deprived him of the earldom of Richmond, of which he was possessed in England. Brompt.

William

William VIII. earl of Poitiers, Eleanor's grandfather. By this marriage, the earldom of Tholouse was to fall one day to the house of Poitiers, which was also in possession of Guienne. But William, father of Philippa, imagined he could secure it in his own family, by selling it to Raymond of St. Giles his younger brother. This sale, real or pretended, would have been but a weak means to deprive the countess of Poitiers of her father's inheritance, if certain accidents had not favoured Raymond, who continued in possession of the earldom of Tholouse, after his brother's death. The design of the earl of Poitiers, husband to Philippa, of mortgaging his demesns to William Rufus, in order to equip himself for his voyage to the Holy Land, being frustrated by the death of William, he applied himself elsewhere, and at length raised the money by mortgaging his revenues for several years. His expences on that occasion, and his misfortune in losing all his equipage, constrained him to return home, where however he could expect no supplies, by reason his revenues were all mortgaged. Raymond of St. Giles embracing this juncture, offered him a considerable sum, to renounce his right to the earldom of Tholouse. As matters then stood with the earl of Poitiers, he readily listened to the proposal, and made an agreement with Raymond. By the agreement, Raymond kept possession of the earldom, which his posterity enjoyed after him, without any disturbance from the earl of Poitiers, or his son William IX. After the death of this last, Lewis the young, who married Eleanor his only daughter and heir, revived the pretensions of the house of Poitiers to the earldom of Tholouse. He maintained that the sale made by earl William to Raymond was a feigned thing. And secondly, that Raymond imposed upon the easy nature of the earl of Poitiers, and purchased his right at too cheap a rate. Lastly, that he had not even paid the whole of the covenanted sum. From hence he inferred, that the bargain was void, and consequently Eleanor ought to possess whatever Philippa her grandmother was entitled too, repaying to the earl of Tholouse what the earl of Poitiers had received. Raymond V. who was then earl of Tholouse, was extremely embarrassed on the account of these pretensions. In vain did he plead prescription, which is sometimes of service in private affairs. That was too weak a fence against a prince, who was able to break through it by force of arms. However, after a long negotiation the affair was ended, by a marriage between earl Raymond and Constance, sister of Lewis, and widow of Eustace,

1159.

The queen's  
title to Tho-  
louse.  
Cat. Hist.  
des Comm.  
de Toul.  
Pol. Virg.  
Chr. Nor.  
Brompt.

1159. Eustace, son of king Stephen. On account of that marriage, Lewis dropped his pretensions, and as long as he lived with Eleanor, the earl of Tholouse remained unmolested.

Eleanor's second marriage created Raymond fresh disturbances. Henry, who was possessed of the same rights the king of France had relinquished, laid claim to the earldom of Tholouse for the same reasons Lewis had before urged. Raymond again pleaded the sale made to his grandfather, the resignation of the house of Poitiers, besides a long possession, which exceeded the time allowed by the laws for a prescription. Upon these grounds he resolved to keep possession of the earldom. This was the state of the case, which was to be decided by arms. To execute his project the more easily, Henry made an alliance with Raymond, earl of Arragon and Barcelona, and engaged the king of Scotland to lend him a powerful aid<sup>t</sup>. As soon as his army was ready, he marched towards Languedoc, took Cahors in his way, and went and sat down before Tholouse.

Catel.  
Pol. Virg.

1160.

1161.

1162.

Henry besieges Tholouse.

Gervas.  
Mezerai.  
Brompt.  
Hoved.  
R. Diceto.  
Fitz. Step.

Peace between Henry and Lewis.  
Brompt.  
Hoved.

Lewis the younger, who could not behold Henry's greatness without jealousy, had used such expedition, that he had thrown himself into Tholouse a few days before. The large extent of that city, and the French king's succours, rendered the siege so difficult, that Henry did not think himself able to accomplish his undertaking. Wherefore, he raised the siege, and returned into his own dominions. Mezerai says, he might easily have taken the city, if he had not made a conscience of besieging his sovereign. But one can hardly believe this to be the real motive of his retreat; since on other occasions he did not seem to have so great a regard for the king of France. Be this as it will, he marched back to Normandy, leaving the custody of Cahors to Thomas Becket his chancellor. In his return, he went into le Beauvoisis, where he committed great ravages, in revenge of the king of France's breaking his measures. At the same time, Simon, earl of Montfort, delivered to him his castles in the neighbourhood of Paris, by means of which the communication with Orleans was entirely cut off. The advantage these castles gave him, forced Lewis to send proposals for a cessation of arms, which was agreed upon for a year. During the truce, the two monarchs concluded a peace,

<sup>t</sup> He was accompanied, besides, with one of the kings of Wales, and all the earls and barons of England, Normandy, Aquitain, Anjou, Gasconne, &c. For the charge of this war, he raised a squ-

tage, which amounted to one hundred and eighty thousand pounds. At this siege died Hamo, son of the earl of Gloucester. Gervas.

which



which confirmed the treaty made at Paris, without any mention of Tholouse. So that Henry preserved, during his life, his pretensions to that peerdom, and by his death left them to his successor, who thought fit to resign them.

William, earl of Blois, son of king Stephen, died in his return from the Tholouse expedition, where he had attended the king.

Pope Adrian dying in 1159, the election of a new pope occasioned a schism, which long divided Christendom. The majority of the cardinals elected Rowland a native of Siena, who took the name of Alexander III. The rest chose cardinal Octavian, who styled himself Victor V. Almost all the christian princes owned Alexander for pope. But the Germans espoused the cause of Victor, who finding himself supported by the emperor Barbarossa, drove his rival out of Rome, and forced him to seek for shelter in France.

The last peace between the kings of France and England, was only a confirmation of the treaty of Paris, wherein a marriage between Henry's eldest son and Margaret, daughter of Lewis, was agreed upon. The princess was to have for her dower the city of Gisors, and part of the Vexin, which, for that purpose, were to remain in the custody of the knights templars<sup>u</sup>, till the marriage was solemnized. Pursuant to this treaty, chancellor Becket was sent to Paris, with a magnificent retinue, to demand the young princess, who was to be educated in England till she became marriageable. Shortly after her arrival at London<sup>v</sup>, Henry ordered the nuptials to be celebrated, though the bridegroom was but seven, and the bride but three years old. Upon which, the knights templars, thinking he had sufficiently performed his promise, put him in possession of Gisors. This precipitation occasioned the renewal of the war between the two kings. Lewis complained that the king of England had bribed the grand master of the temple. Henry maintained, that, having performed his part of the treaty, he had not injured the king of France in taking possession of Gisors. This

<sup>u</sup> The order of the knights templars, instituted by Gelasius in 1116, had the name from dwelling in a part of the temple at Jerusalem, assigned them by king Baldwin. They were but nine at first, and their business was to lead in their armour, christian strangers and pilgrims through the Holy Land. They increased so at length, that they had great estates in all parts of Christendom;

and growing too potent, they were suppressed by Clement V. 1300, and by the council of Vienna, 1312. The master of the temple here in England, was summoned to parliament, from whom the minister of the temple church has his name.

<sup>v</sup> Brompton says, it was not till some years after — Aliquoj annis elapsis.

1162. war, which lasted but a very little while, was ended by the mediation of Alexander III. lately arrived in France. His legates, who were sent before, preparing the way for an accommodation, the two kings went together to receive the pope at Torcy upon the Loire. When they came near him, they both alighted, and, each taking hold of a rein of his bridle, conducted him to the lodgings prepared for him.

All these events, namely, the conquest of Nantz, the siege of Tholouse, the marriage of prince Henry, and the war with France, passed between the years 1159, and 1163. I have suspended my judgment upon the particular dates of each, by reason of the diversity among historians on that head. Upon this account perhaps it is, that a famous modern has comprised all these particulars within the compass of eight or nine lines.

Richard.

1163.

The flourishing condition of Henry, Moved,

disturbed by Becket.

An account of him. Brompt. M. Paris.

After settling the affairs which detained him in France four years, Henry returned into England in 1163. His present condition gave him room to hope nothing could disturb his happiness. He had made a peace with France, which probably would be lasting. The Welsh remained quiet in their own country. The king of Scotland had given a visible proof of his desire to live in peace, by restoring all the places that might have occasioned a war. On the other hand, England was in a profound tranquillity, the Normans and English being equally satisfied with their sovereign. In this so quiet a situation, Henry thought he might congratulate himself upon his happiness, when, on a sudden, the pride and obstinacy of one of his subjects raised a storm, the allaying of which cost him a thousand vexations, with the loss of his honour, I mean Thomas Becket. He was son of a citizen of London \* by a Syrian woman †, and spent his youth in the study of the law. He grew so famous at the bar, that he was taken from thence, and made archdeacon of Canterbury ‡. In the beginning of this reign he had certain affairs to manage at court, which gave him opportunity of making himself known to the king, and gaining his esteem. Henry conceiving a great opinion of his merit, quickly gave him a sensible mark of his esteem, by conferring on him the

\* Gilbert Becket. He lived where St. Thomas's hospital stands. Brompt.

† Her name was Matilda, said to be daughter of a Saracen, who had taken Gilbert, sheriff of London, Becket's father, prisoner, when he went in pil-

grimage to the Holy Land. Brompt.

‡ The first preferment he had was the living of Bradfield, to which he was presented by the abbey of St. Albans. M. West.

dignity

dignity of high chancellor <sup>d</sup>. In the discharge of this eminent office, Becket behaved to all the world with so much pride and haughtiness, as rendered him extremely troublesome to his equals, and insupportable to his inferiors. Above all things, he was a lover of pageantry and show <sup>b</sup>. He is said in the war of Tholouse, where he attended the king, to maintain at his own expence seven hundred knights, and twelve hundred foot. But if he was haughty to all others, he was not so with regard to the king. Upon all occasions he shewed himself so entirely devoted to his will, that the king considered him as one always ready to sacrifice every thing to his service. Whilst he was thus prepossessed in his favour, he received the news, in Normandy, of the death of Theobald, archbishop of Canterbury. This appearing to him a favourable juncture to execute certain premeditated designs, he resolved to procure the archbishoprick for Becket, as a person who might be very serviceable to him. How little inclination soever the monks of St. Augustin's had for Becket, whom they thought too much a courtier, the king's recommendation was so urgent in his behalf, that he was elected and consecrated a little before that prince's return <sup>c</sup>. As soon as he saw himself fixed in that high station, he sent the great seal to his benefactor, who little expected it, and suddenly altering his manner of living, he wore a monk's habit with sackcloth next his skin, and kept only a few domestick servants cloathed very plain. By these and other things of the like nature, he shewed, that he was resolved thoroughly to reform his life, or had some great design in his head. It was some time before his intentions could be discovered, till at length it was perceived, that on all occasions he was aspiring to an independent power.

I have already remarked in several places, how much the power of the clergy was increased to the prejudice of the royal authority. Henry, who had seen very bad effects of it in the reign of Stephen, resolved at his accession to the crown to reduce this exorbitant power within due bounds. For that purpose, he began with the nobility, that their union with the clergy might the less obstruct his designs. The affairs which employed him some years in France, prevented him from immediately setting about this work. But as soon as he was clear of these hindrances, he resolved to

1163.

Made high  
chancellor,  
Gervas,  
Brompt.  
Fitz. Steph.  
p. 8.

Hoved.  
M. Paris.  
M. West.

and arch-  
bishop.

Sends the  
great seal to  
the king,  
and alters his  
way of living.  
M. West.  
Gervas.  
M. Paris.

The reason  
of the king's  
promoting  
Becket.

Gervas.

<sup>a</sup> Upon the recommendation of Theobald, archbishop of Canterbury. Gervas.

<sup>b</sup> He had silver bits in his horses' bridles,

and exceeded any earl in his expences. Brompt.

<sup>c</sup> After the see had been vacant one year, one month, and fourteen days.

1163. begin it the moment he returned to England. This was the cause of his so earnestly recommending Becket to the see of Canterbury, because he expected a greater compliance from him than any other. The point in hand was the reforming several abuses very detrimental to the state, but advantageous to the clergy, and consequently very difficult to be remedied, unless the bishops themselves lent their assistance. There was need therefore of great address, and of acting in concert with the archbishop of Canterbury, in so nice an affair. To that end, it was necessary to fill the see with a person on whom he could depend, and none seemed so proper as Becket, whom he had loaded with favours. The archbishop's returning the great seal, made the king imagine he was mistaken in his conjectures. Perhaps his vexation at it caused him not to humour the pride of this prelate, to whom he could not forbear, at his arrival in England, to show some coldness. In all likelihood, Becket had been acquainted with the king's designs whilst chancellor, and was then disposed to approve them, but, after his promotion to the archbishoprick, had taken a contrary resolution. Notwithstanding his obligations to the king, he was determined to cross him in his projects. He flattered himself with gaining immortal glory in a vigorous defence of the cause of the clergy, which was affectedly called the cause of God.

Becket  
resolves to  
oppose the  
king.

An abuse  
the king  
proposed to  
redress.  
Brompt.  
Hoved.

Brompt.

One of the greatest grievances to be redressed, was the remissness in punishing priests convicted of any crime. The clergy having by degrees acquired an absolute power over all that belonged to their body, when a clergyman was accused, the matter was tried in the ecclesiastical court, from whence lay no appeal. But the trials were formed with such indulgence to those the court could not but condemn, that the most enormous crimes were punished only with degradation, and others with a short suspension, or easy confinement. The laity could not, without extreme concern, see themselves subject to the utmost rigour of the law, for offences which rendered clergymen liable only to some slight corrections, and loudly complained of it. On the other hand, the clergy, sure of impunity, daily committed upon the laity outrages which they durst not repel, for fear of incurring a punishment. This abuse, which was already carried too far, increased every day. It was proved in the presence of the king, that since his accession to the crown, above a hundred murders were committed in the kingdom by the ecclesiasticks, of whom not one was punished with degradation, the usual penalty enjoined in the like cases by the canons.

canons. What was still more astonishing, the bishops gloried in their indulgence. They believed they could not give surer marks of their zeal for religion and the service of God, than by maintaining, to the utmost of their power, these pretended immunities of the clergy, and consequently all the abuses that sprung from thence. 1163.

Things standing thus, it happened, a little after the king's return, that a clergyman of the diocese of Sarum committed a murder. The matter being brought to the archbishop's court, it was decreed, the murderer, as a punishment for his crime, should be deprived of his benefice, and confined to a monastery \*. The king being informed of the sentence, very warmly expostulated with the archbishop †, for punishing so slightly a crime which was death by the laws of the land. Becket received this expostulation as if it had been entirely groundless, and boldly asserted the immunities of the church and privileges of the clergy. He affirmed, an ecclesiastick ought not to be put to death for any crime whatever. Henry replied, that being appointed by God to administer justice to all his subjects, without distinction, he did not understand why these pretended immunities should screen malefactors of what order soever, from the punishments they deserved : that it was improbable, God should take pleasure in authorising offences in his ministers, who rather ought to be punished more severely than laymen. Then he declared, that since the ecclesiastical court was so favourable to clergymen, his intent was, that heinous offences, such as murder, robbery, and the like, should be tried in his courts. Becket made answer, he would never allow that the clergy should be tried any where but in the ecclesiastical courts, where care should be taken to punish them according to the canons. That if they were condemned to be degraded, and afterwards committed other crimes, the king's judges might punish them as they thought fit ; but it was unjust to punish them twice for the same offence. This dispute being carried on with great warmth, the king and the archbishop parted extremely dissatisfied with one another. Nay, Becket had so little regard for the king, that, without considering the passion he had put him into, he took this occasion to upbraid him for unjustly depriving him of the custody of the castle of Rochester, and thereby no-

The first occasion of the quarrel between the king and Becket. Brompt.

The king would have the clergy tried in the civil courts. R. Diceto. M. Paris.

Becket opposes it.

Hoved.

Another reason of their contest.

Gervase.

\* Philip de Broc, canon of Bedford. M. Paris.

† He was banished, says M. Paris.

† Who was convened at Westminster for that purpose, with the rest of the bishops. Gervase.

1163.

toriously violating the privileges of the see of Canterbury §. To these occasions of complaint, which he then gave the king, he quickly added two others. He summoned the earl of Clare to do him homage for the castle of Tunbridge, which he pretended was a fief of the archbishoprick, without vouchsafing to acquaint the king with his pretensions. The earl answered, he held his castle of the king, and not of the archbishop <sup>b</sup>. If we may judge by Becket's temper, his claim to the castle must have been very doubtful, since he let the affair drop without pushing it any farther. This attempt failing, he took occasion to extend his jurisdiction, by collating one Lawrence, a priest, to the rectory of Aineford, without regarding the patron's right of presentation. But the patron, who was a baron of the realm, being unwilling to lose his right, hindered Lawrence from taking possession of the benchce. The archbishop looking upon this as an heinous offence, excommunicated the patron, who applied to the king. As matters then stood with Henry, he was extremely provoked at the little regard shewn him by the archbishop. For, since William the conqueror, it had been the prerogative royal, that no tenant in capite should be excommunicated without the king's knowledge. But this was the point Becket designed to dispute. And perhaps he had made this step purely to have occasion to move the question.

R. Diceto.

Henry sets about reducing the power of the clergy within due bounds.

Henry was extremely mortified to find himself so far from the execution of his project. He was incensed to the last degree against Becket, who seemed to make it his business to cross him upon all occasions, and dispute his very prerogatives. He resolved therefore to take new measures to accomplish his design. He was sensible, it would be in vain to expect any compliance from the clergy, as long as the archbishop of Canterbury so plainly opposed him. However, not to be too hasty, he was willing first to try gentle methods. He caused the archbishop to be put in mind of the many favours received from his sovereign, and the mischiefs his obstinacy would probably bring on the church and kingdom. But these remonstrances proving ineffectual, he found himself obliged to contrive means to execute, in

§ He also demanded saltwood and hethes, as belonging to his see; and the lands of William de Ros. Gerv.

<sup>b</sup> Rapin, by mistake, says the earl asserted he held it of the king by

knight's service, and therefore it could not belong to the archbishop. For most certainly the archbishop had many knight's fees, and consequently they were held by knight's service.

spite of the archbishop, what he had resolved to accomplish with his help. So far was Becket's opposition from causing him to alter his mind, that it made him the more eager to reduce the power of the clergy within its just bounds. To that purpose, he assembled the principal lords of the kingdom, as well spiritual as temporal, to consider of methods to redress the grievances introduced into the state. When they were met, he complained of the proceedings of the archbishop of Canterbury, and endeavoured to make them sensible, that if care was not taken to curb that haughty and enterprising prelate, he would at length usurp all the prerogatives of the crown, under vain pretences of religion. He added, that the steps already taken by the archbishop, were plain indications of his designs, which could not be too speedily prevented. The majority of the temporal lords, among whom were few but what were offended at Becket's haughtiness, rejoiced at this occasion to humble him. Besides, they desired nothing more, than to have it in their power to clip the wings of the clergy, who missed no opportunity to soar above the rest of the nation. The king perceiving them thus disposed, moved a regulation, which he assured them was absolutely necessary for the preservation of good order and tranquillity in the kingdom. This regulation consisted of five articles, called by the king the customs of Henry I. his grandfather<sup>1</sup>, because they were observed in the reign of that prince. The I. was, that none should appeal to Rome without the king's leave. II. That no archbishop or bishop should go to Rome, upon the pope's summons, without the king's licence. III. That no tenant in chief, or any other of the king's officers, should be excommunicated, or his lands put under an interdict, without the king's consent. IV. That all clergymen charged with capital crimes, should be tried in the king's courts. V. That the laity, whether the king or others, should hold pleas of churches and tithes and the like<sup>2</sup>. These articles were approved of without any difficulty by the temporal lords, but the bishops and abbots refused to subscribe them, unless this clause, which rendered them of no effect, was added, saving

1163.

He convenes  
the lords,  
and com-  
plains of  
Becket.

He proposes  
five articles  
to be enact-  
ed into a  
law.  
M. Paris.  
Gervaise.

The bishops  
try to insert  
a clause to  
render them  
of no effect.

<sup>1</sup> M. Paris calls them a renewal of some part of the customs and liberties of king Henry's predecessors; namely, of his grandfather Henry I. and others. M. Paris.

<sup>2</sup> These articles are obscurely translat-

ed by Rapin out of Echard, and therefore are not rendered here literally. Both Echard and Rapin are mistaken in saying they were the same with the constitutions of Clarendon.

1163.

The king threatens them.  
They submit.  
Gervase.  
Hoved.

Diceto.  
Fitzstep.  
Newb.  
Parliament at Clarendon.  
Gervas.  
R. Diceto.  
Hoved.  
M. West.

The pope condemns the articles.  
Hoved.

the rights and privileges of the clergy and church<sup>1</sup>. The king, provoked at their refusal, suddenly quitted the assembly, and went to Woodstock, after having however given the chief among the clergy to understand, he would take effectual measures to set bounds to their pride<sup>m</sup>. The prelates were so terrified at this threat, that before they broke up, they resolved to send deputies to the king to beg his pardon, and assure him they were ready to comply with his will. Becket long opposed this resolution, but at last, pressed by his brethren, yielded to their importunity, and consented the articles should be admitted without the saving clause. All his party following his example, a deputation was made<sup>n</sup>, with which the king seemed highly satisfied, and the more, because it was done with unanimous consent. Nevertheless, fearing Becket might fly from what he had done, on pretence this convention was not sufficiently authorised to enact laws of this kind, he resolved to have them ratified by an assembly-general, or parliament. To that end he called a parliament at Clarendon, and propounded the same articles that were subscribed by the former assembly. All the lay-lords ratifying them, the prelates durst not openly oppose it. But when they came to sign, Becket and his party scrupled it<sup>o</sup>, and it was not without great difficulty that he was prevailed upon to comply<sup>p</sup> at the instances of the other bishops<sup>q</sup>.

How unwilling soever the archbishop subscribed the articles<sup>r</sup>, the king was highly pleased with it. He did not question in the least but the pope would consent to laws deemed necessary by the bishops themselves. In this belief,

<sup>1</sup> Salvo ordine suo, — & bonâ fide.  
Gervas. Salvo in omnibus ordine suo, & honore Dei, & sanctæ ecclesiæ. Hoved. p. 492.

<sup>m</sup> Pope Alexander, and the college of cardinals, sent a legate, to order Becket to make peace with the king, and to promise him to observe his laws without any exception. Hoveden.

<sup>n</sup> Becket himself waited upon the king at Woodstock. Hoveden.

<sup>o</sup> He swore he would never sign, nor put his seal to them. He had before accepted them. Hoved.

<sup>p</sup> The persons that prevailed upon him, were: the bishops of Salisbury and Norwich; Robert earl of Leicester; Reginald earl of Cornwall; and two templars, Richard de Hastings, and

Tostes de St. Omer, Hoved. 493.

<sup>q</sup> The laws made in this assembly are called the constitutions of Clarendon, and are well worth perusing, because they contain the chief prerogatives and privileges that were claimed as well by the king as the clergy. They are divided into sixteen articles, of which ten were voided by the pope. The reader may find them in Gervase's chronicle, and in Matthew Paris, from whence they are translated into English by Tyrrel, vol. II. b. 5. and in Collier eccl. hist. p. 351.

<sup>r</sup> He did not subscribe them, but only promised to do it; or at most assented to them. Gervas. Hoved.



he resolved to have them confirmed by a bull, in order to take from the prelates all pretence of recanting; but upon seeing the articles, the pope not only refused to give them the sanction of his authority, but condemned them as prejudicial to the church, and destructive of her privileges. Shortly after, Becket openly declared, he repented signing the constitutions of Clarendon, and thought himself guilty of so enormous a crime, that he could hope for pardon only from the pope's mercy. Accordingly he suspended himself, as unworthy to perform the archiepiscopal functions, till the pope should be pleased to absolve him. The pope's absolution being readily obtained, he resumed his functions, upon the pope's assurances that he should be supported. Mean while, Alexander, who was still in France, willing to make Henry believe he intended to keep fair with him, sent the archbishop of Roan with proposals of accommodation, but as he had nothing positive to offer, and the king would not hearken to any proposals, unless the pope would confirm the constitutions of Clarendon, there was no possibility of an agreement.

When the king found the archbishop, proud of the pope's protection, daily grew more obstinate, he sought means to humble him. To that end, he involved him in troubles, which indeed gave him great vexation, but were incapable of causing him to desist from his pretensions<sup>t</sup>. Among several actions that were entered against him, there were two of moment. The first related to a certain manor which he was possessed of, and which [John the king's marshal] pretended was unjustly detained from him. The archbishop standing a trial, was cast, and condemned in a fine of five hundred pounds. This sentence convinced him, that a resolution was taken to plague him all manner of ways, and that he should lose all the suits commenced against him. In this belief he resolved not to plead, choosing rather to be condemned for non-appearance, than by a peremptory decree. The king seemed hitherto not to intend to make him feel the whole weight of his resentment, but soon after it appeared his design was to crush him. To that purpose he ordered him to be accused<sup>u</sup> of two capital crimes: the first

1163.

Becket repents of his signing.  
Gervas.  
Hoved.  
M. Paris.

Hoved.

The king prosecutes Becket.

Gervase.  
R. Diceto.  
Hoved.  
M. Paris.

Becket refuses to plead.

<sup>t</sup> For forty days. As soon as the articles were read, he retired from court, and went to Winchester. Gervas.

<sup>u</sup> He demanded the king's leave to go to pope Alexander, but was refused: whereupon he embarked at

Romney, in order to depart out of the kingdom; but the sailors, dreading the king's indignation, pretended there was no wind, and brought him back. Gervas. M. Paris.

<sup>u</sup> In a great council at Northampton, October 13. M. Paris.

1163. was, for converting to his own use the revenues of the archbishoprick of York, of which he had the custody whilst he was chancellor <sup>w</sup>. In the second, he was charged with embezzling thirty thousand pounds sterling of the king's money. Instead of clearing himself from these accusations, he answered, that when he was made archbishop, prince Henry, the king's son, and the justiciary <sup>x</sup> had acquitted him of all accounts. Adding, that supposing he had not been acquitted, he was not bound to answer before laymen, since he was invested with the first ecclesiastical dignity in the kingdom. The former part of his answer was certainly to his disadvantage, since the prince, from whom he had his acquittance, was but seven or eight years old, though he had the title of guardian of the realm, in the absence of the king his father. Besides, one would think, a person of his character should have been always ready to render an account of his administration, with regard both to the profits of the vacant benefices, and the king's treasure, though from an excess of complaisance those that governed had dispensed with it. As for the latter part of his answer, he himself had cut off that plea, by signing the constitutions of Clarendon. But to this he replied, that the pope having condemned these constitutions, his sentence was of more force than all the laws of the land. How proper soever this reply might be to gain the pope's favour, it could be of no use to him in the king's court, where judgment was to be given pursuant to the same constitutions passed into a law. He was therefore deemed not only as contumacious, but moreover as a rebel against the authority of the laws. All possible endeavours were used, to persuade him to own the jurisdiction of the court, but there was no obtaining that of him. He even refused to wait on the king <sup>y</sup>, who sent for him <sup>z</sup> to try, whether, by discoursing <sup>a</sup> with him in person, he could bring him to some temper <sup>a</sup>.

He refuses to go to the king.

His is charged with two fresh crimes.

This refusal furnished the king with a fresh pretence to accuse him, first, for flying from justice on frivolous excuses; secondly, for disobedience to the king. Upon these charges, to which he would not plead, all his moveable

<sup>w</sup> He was also called to an account for the castles of Eye and Berkhamstead, with the revenues belonging to them, which he had enjoyed for several years. M. Paris.

<sup>x</sup> Richard de Lucy.

<sup>y</sup> He really was, or pretended to

be ill of the cholick. Gervas.

<sup>z</sup> By Robert earl of Leicester, and Reginald earl of Cornwall.

<sup>a</sup> His friends told him, that if he came to court, he should either be imprisoned or murdered. Hoved.

goods were confiscated. How severe soever this sentence might be, the king was not satisfied. As he observed the accusation was so formed, as not to reach Becket's person, he ordered him to be accused of perjury and treason, for violating the oath taken to his sovereign, and refusing to pay the obedience due to him. The archbishop was then thoroughly satisfied, the king was bent upon his ruin: but this belief, instead of inducing him to submit, served only to confirm him in his obstinacy. Perhaps his proud and wilful spirit would not suffer him to bend, or rather, he was resolved to render himself famous, by a firmness, which, in his opinion, ought to rank him among the most renowned confessors in the church. When it was found there was no possibility of conquering him, the court declared him guilty of perjury, and the bishops in particular sent him word, they considered him not as their primate, neither would they hold communion with him any longer. All this not moving him in the least, he looked upon the sentence as void, and continued his functions, regardless of the king's displeasure.

The court of peers seem to have avoided giving sentence on the charge of treason, which would have been death, on purpose to leave him room to come off by submitting to the king. But finding he was still the same, the court met once more to think of means to subdue his perverseness. As soon as he was informed, the barons were assembled in the presence of the king, he went to church, and ordered these words of the second psalm to be sung, The rulers take council together against the Lord, and against his anointed<sup>b</sup>. Then taking his cross in his hand, he entered the room where the king and the lords were, without being sent to, or asking leave, though, since the sentence passed upon him, he had no right to be there. The archbishop of York seeing him enter in that posture, severely reprimanded him<sup>c</sup>. He told him, that coming into the royal presence in that manner was bidding defiance to the king, and bid him consider, his sovereign's weapon was sharper than his. Becket replied, it was true, the king's weapon could kill the body, but his destroyed the soul and sent it to hell. This answer, which seemed to threaten the king with excommunication, so provoked that monarch, that he ordered the lords to pass sentence immediately on the new crime Becket had just incurred.

1163.

His goods are confiscated.  
Charged with perjury and treason.  
Gervas.

The court declares him perjured.  
Gervas.

Gervas.  
Hoved.

Hoved.  
p. 424.

How con- sidered to inap- propriate.  
Gervas.

<sup>b</sup> Hoveden says he celebrated the mass of St. Stephen, whose office is, princes sat together, and spoke against me,

<sup>c</sup> As Hil. Gilbert bishop of London. Hoved.

**1163.** The court, after a long debate, declared, he deserved to be committed to prison, and punished according to law, for insulting the king, and coming into the assembly in such manner as might raise a sedition among the people. This being resolved, the earls of Chester and Cornwall were sent to summon him to appear and hear his sentence, but he refused to come, declaring the peers had no authority to judge him, and that he appealed to the pope. The two earls representing to him, that by refusing to submit to the laws of the realm, he incurred the guilt of treason; he replied, that were it not for the restraints of his character, he would vindicate himself in single combat against those that should charge him with that crime, and make them repent of their calumny. However, he did not think proper to wait the issue <sup>d</sup>, but privately departed that very night in disguise, in order to retire into Flanders, going by the name of Dere-man<sup>e</sup>.

**Moved.**

**M. Paris.**

**Gervas.**

**Goes into Flanders in disguise.**

**Gervas.**

**Moved.**

**1164.** The king of France gladly heard that the quarrel between Henry and the archbishop of Canterbury was not like to be adjusted. He was in hopes, Becket, being supported, would imbroil his sovereign in troubles, of which France might make an advantage, and therefore sent him an offer of his protection, and a refuge in his dominions. Henry being informed of Lewis's proceedings, sent ambassadors <sup>f</sup> to represent to him, that it was very unbecoming a sovereign to shelter persons guilty of high-treason. Lewis made answer, he could not dispense with affording a sanctuary in his kingdom to the unfortunate: that Becket was of that number, and he could not but consider him as such, till condemned by the pope. It was thus that jealousy and political interest induced that prince to urge the pope's authority in a thing so prejudicial to all sovereigns. His passion prevented him from reflecting, that in this affair he could not wound Henry but through his own sides. But his extreme desire to embarrass that prince made him overlook these considerations. He was not content with sheltering the fugitive prelate, but importuned the pope to espouse his cause, and turned solicitor against Henry, whose interest, in good policy, he ought to have maintained.

**The king of France protects him.**

**Diceto.**

**Gervas.**

**Moved.**

**Stirs up the pope against Henry.**

**R. Diceto.**

**Gervase.**

**M. Paris.**

<sup>d</sup> But immediately took his horse, and rid away, the people crying out after him, stay, traitor, and hear thy sentence. Moved.

<sup>e</sup> He went first to Lincoln, attended only by three persons; from whence

he travelled, through by-ways, and in disguise, till he came to Sandwich, where he embarked, and went over to Flanders. Moved. Gervas.

<sup>f</sup> Gilbert Foliot bishop of London, and William earl of Arundel. Moved.

There was no need of much entreaty to gain the pope. 1164.  
 He was of himself very sensible, that a favourable opportunity offered to enlarge his authority. Besides, he was apprehensive that in case he deserted the archbishop of Canterbury, none of the clergy for the future would support the rights of the church. So, the downfall of this prelate could not but prove of very dangerous consequence to the interests of the clergy. As soon as he heard Becket was condemned and forced to fly like a criminal, he was exceeding angry with Henry and the barons of England, and threatened to make them repent of their rashness. Mean time Henry, in hopes of prepossessing the pope in his favour, sent ambassadors <sup>2</sup> to inform him of all particulars, and desire him to send legates to England with full powers finally to decide the affair. The archbishop of York, who was at the head of this embassy, spoke with great vehemence against Becket. He charged him with want of respect to the king, and even of threatening him with excommunication. He maintained, the archbishop was guilty of rebellion, in refusing to stand to the judgment of the court of barons, under the ridiculous pretence he was their father, and that it was against decency for a father to be judged by his sons. Becket, who was present at this audience <sup>3</sup>, spoke likewise for himself, and endeavoured to justify his conduct. He said in the first place, he could not be obliged to answer in a civil court, without a direct violation of the canons of the church. Secondly, supposing he had thought proper to own the authority of the court, he should have been prevented from submitting to their judgment by his certain knowledge of their resolution to condemn him. Lastly, he declared, he could not see wherein he had done amiss in appealing to the pope, since it could not be denied that he was the proper judge from whom he expected an impartial sentence. Then addressing himself to the pope and cardinals, he entreated them to consider the dangerous consequences this affair might be attended with, if they suffered him to be oppressed: that they were not to look upon this business, as a contest between a subject and his sovereign, but as the cause of the universal church, since it was certain, the king's intention was to strip the clergy of their privileges. The ambassadors

*Henry sends an embassy to the pope, Gervase. Becket accused. R. Diceto. Hoved. M. Paris.*

*He defends himself.*

*Tries to engage the whole church in his quarrel. Gervase.*

<sup>2</sup> The archbishop of York, the bishops of Winchester, London, Chichester, and Exeter; and Wido Rufus, Richard de Ivesestre, and John de Oxford, clergymen; and William earl of

Arundel, Hugh de Gundeville, Bernard de St. Valery, and Henry Fitzgerald. Hoved.

<sup>3</sup> Hoveden says, he did not come to the pope till four days after.

perceiving

1164.

The ambaf-  
fadors desire  
legates may  
be sent to de-  
cide the  
matter.  
Gervafe.

The pope re-  
fufes, and  
why.

Hoved.  
P. 496.

The pope  
fent for to  
Rome.  
Gervafe.  
Hoved.

1165.

Henry's  
proceedings  
againft the  
pope and  
Becket.  
Gervafe.  
Hoved.  
P. 496.

M. Paris.

Hoved.

Becket ex-  
communi-  
cates the  
lords of the  
council.  
M. Weft.  
Fitzftep.  
Diceto.  
Hoved.  
M. Paris.

perceiving by this difcourfe, that his defign was to engage the whole church in his quarrel, took occafion from thence to infift ftill more earneftly on the king's request, that the affair might be tried in England by the legates of the holy fee. By that they fhewed, the king their mafter had no defign againft the church, fince he was willing to abide by her judgment. This demand was fo reasonable, that the pope had no other way to evade it, than by faying, he would take cognizance of the matter himfelf, adding, to juftify this refolution, that, in imitation of the Almighty, he would not give his glory to another. The reafon why the pope declined fending legates, was the fear of their being bribed. Mean while, he put off the trial to a more convenient feafon. For, the prefent conjuncture allowed him not leifure to examine a caufe which required fo much time to difcufs. He was impatient to be at Rome, where he was recalled upon the death of Victor his rival. However the fchifm was ftill kept on foot, by the cardinals of the oppofite party electing another pope, who affumed the name of Pafchal III.

Henry being extremely incenfed at Alexander's proceedings, as a mark of his refentment, forbid, under the fevereft penalties, all appeals to Rome. This prohibition was quickly followed by an exprefs order to commit to prifon all the relations of thofe that accompanied Becket in his flight, or were gone to join him fince his departure. After this, he fequeftered, in the hands of the bifhop of London, the revenues of all the ecclefiasticks that openly efpoufed the archbifhop's quarrel, to put it out of their power to affift him. Moreover he enjoined the magiftrates to punifh upon the spot, as traitors, all perfons that fhould be taken either with the pope's or Becket's letters or mandates about them, importing the excommunication of any private perfon, or an interdift upon the kingdom. He ordered likewise the revenues of the fee of Canterbury to be feized, with all the archbifhop's effects<sup>1</sup>. Laftly, not content with forbidding prayers for him in the church, he banifhed all his relations, not fparing even the moft diftant.

Thefe rigorous proceedings ferved only to exafperate the archbifhop the more, who, on his part, excommunicated all that adhered to the conftitutions of Clarendon, and particularly fome lords of the council<sup>2</sup>, who however defpifed

<sup>1</sup> He ordered alfo peter-pence to be collected, and not to be fent out of the kingdom. Hoved.

<sup>2</sup> Richard de Lucy, Richard of Poitiers, Jocelin de Baulul, Alan de Ne-

ville : as alfo John de Oxford, Richard de Iveceftre, Ranulph de Broc, Hugh de St. Clare, Thomas Fitzbernard, &c. R. Diceto. M. Paris,

his censures. At length, finding the king was bent to maintain his ground, he took the liberty to send him a threatening letter, which it will not be amiss to insert, as a piece very proper to discover the character of that prelate.

1165.

THOMAS *archbishop of* CANTERBURY *to the king*  
of ENGLAND.

“ I Have most earnestly desired to see you, and although I  
 “ cannot deny, that in this I had a view to my own, yet  
 “ was it your interest that lay nearest my heart. I was in  
 “ hopes that when you should see me again, you would call  
 “ to mind the many services I have done you, with all imma-  
 “ ginable regard and affection. For the truth of which I  
 “ appeal to him who is to judge all mankind, when they  
 “ shall appear before his tribunal, to be rewarded according  
 “ to their deeds. I flattered myself that you would be mov-  
 “ ed with compassion towards me, who am forced to beg my  
 “ bread in a strange land, though, by the grace of God, I  
 “ have plenty of all things necessary for my subsistence. I  
 “ receive however great consolation from the words of the  
 “ apostle, they that live in Christ shall suffer persecution;  
 “ and likewise from that saying of the prophet, I never saw  
 “ the righteous forsaken, nor his seed begging their bread.  
 “ As to what relates to you, I cannot but be sensibly affect-  
 “ ed with it for three reasons. First, because you are my  
 “ liege lord: secondly, because you are my king: thirdly,  
 “ because you are my spiritual son. As my liege lord, I owe  
 “ and offer you my best advice, such however as is due  
 “ from a bishop, saving the honour of God, and the head  
 “ of the church. As my king, I owe you a profound re-  
 “ spect, and withal am bound to direct my admonitions to  
 “ you. As my son, it is my duty to correct and exhort  
 “ you. Kings are anointed in three places; the head, the  
 “ breast, and the arms, which denote glory, holiness, and  
 “ power. We find from several instances taken from the  
 “ scriptures, that the kings who despised the commandments  
 “ of the lord, were deprived of glory, understanding, and  
 “ might: such were Pharaoh, Saul, Solomon, Nebuchad-  
 “ nezzar, and many others. On the contrary, they that  
 “ humbled themselves before God, received a larger measure  
 “ of grace, and in greater perfection. This was experienced  
 “ by David, Hezekiah, and some others. Take, therefore,  
 “ my liege lord, the advice of your vassal, hearken, my  
 “ king, to the admonitions of your bishop, and receive, my  
 “ son,

His letter to  
the king.  
R. Diceto.  
Hoved.  
p. 496, &c.  
M. Paris.

1165.

“son, the corrections of your father, lest you are drawn aside into schism, or persuaded to hold communion with schismatics. All the world knows with what honour and devotion you received the pope, how respectfully and zealously you protected the church of Rome, and what suitable returns the church and pope have made you. Remember therefore the declaration you made, and even laid upon the altar at your coronation, to protect the church of God in all her immunities. Restore the church of Canterbury, from which you received your authority, to the state it was in under your predecessors and mine: otherwise be assured, that you will draw down on your head the wrath and vengeance of God.”

1166.

Henry screens himself from the attacks of the pope. Gervase.

This letter was little capable of appeasing the incensed king. And indeed it is very hard to believe, the writer thought it proper for that end, or penned it with that intent. Mean time, Henry, knowing the king of France cherished the discord between him and the court of Rome, by offering to assist the pope, was willing to let his holiness see on how weak a support he relied, in case things came to an open rupture. To that end he levied a numerous army<sup>1</sup>, as well to prevent any revolt the pope might excite in his dominions, as to be in a readiness to oppose the king of France in case of an attack<sup>2</sup>. This precaution hindered, no doubt, Alexander from proceeding so vigorously as he intended, and made him sensible of the danger of precipitating matters. The truth is, a prince supported with a strong army, has it always in his power to render himself formidable to those who have none but spiritual weapons to brandish. Mean while, the bishop of London and the rest of the suffragans of the province of Canterbury, wrote to the archbishop, on occasion of his letter to the king, and remonstrated to him his pride in writing to his sovereign without the customary salutations, as if he had written to an inferior. They represented to him, moreover, the mean estate from whence the king had raised him to such grandeur: his ingratitude to a prince whom he was so much indebted to, and his arrogance in daring to threaten a monarch so far exalted above him. In fine, they gave him notice, they appealed to the pope from whatever he should act for the future against them or

Letter of his suffragans to Becket. Hoved. p. 498, 509. R. Diceto. M. Paris.

They appeal to the pope.

<sup>1</sup> Wherewith he went and attacked the Welsh, that had pillaged Flintshire, which then belonged to England. Gervase.

<sup>2</sup> King Henry went into Normandy in 1165, in Lent, and returned to England the same year. Hoved.



the kingdom, and appointed Ascension day to produce the reasons of their appeal.

1166.

The king of England's army threw the pope under great apprehensions. He was afraid, Henry would at length unite with the emperor, and if so, the king of France would not be able, or at least, willing to protect him. This consideration induced him to try to divert Henry from such a thought, with the hopes of seeing the contest speedily ended to his advantage. Accordingly, when Henry least expected it, Alexander appointed legates <sup>a</sup> to decide the affair in England, and ordered them forthwith to depart. But the legates were hardly set out, when he clogged their powers with restrictions that prevented them from giving a final decision. The legates being arrived at London <sup>b</sup>, and preparing to proceed, a fresh obstacle unexpectedly occurred. Becket refused to put his cause into their hands, unless the king would first restore what he had taken from him or his friends. He further insisted upon a general revocation of all the king's orders since the beginning of the contest, that is, in a word, that he would condemn himself beforehand. This is a clear evidence, the legates had not full powers to decide the matter, since the archbishop's refusal to stand to their judgment, without these conditions, was sufficient to stop their proceedings. Wherefore the king easily saw the pope intended only to amuse him. Mean time, Becket's own friends, dreading the king would go to extremities, advised him to give his sovereign some satisfaction. He told them, he was ready to comply with the king's will, saving his honour, the church's possessions, and his own, and the right of others. So many salvos must have shown, he was not inclinable in the least to relax. However, his friends, who had so good an opinion of him, as to believe he was willing to sacrifice his private interest to the church's peace, made him another proposal. They asked him, whether he would agree to resign the archbishoprick, in case the king would, upon that condition, give up the constitutions of Clarendon <sup>c</sup> but they did not find him at all disposed to show that proof of his disinterestedness. He plainly told them, the proposal was unequal, since he could not renounce his dignity without betraying the cause of God and of the church, whereas the king was bound in conscience to annul his new laws. This reply, and the limited powers of the legates, entirely de-

The pope amuses the king with sending legates.

R. Diceto.  
Gervase.  
Hoved.  
M. Paris.

Becket refuses to stand to their sentence.

They try in vain to make up matters. Becket is inflexible.

<sup>a</sup> Gratian nephew of the late pope Eugenius, and Vivian advocate of the court of Rome. Gervase.

<sup>b</sup> Gervase says they met in France, between Gisors and Trie, November 18.

stroyed

1166. froyed all the king's hopes, and made him resolve to create the archbishop as much trouble as possible. To that end, he sent word to the abbot of Pontigni, who had for two years entertained Becket in his monastery, that if he sheltered him any longer, he would expel his dominions all the monks of his order, and seize their estates. Upon this, Becket was forced to quit the abbey, but it was not long before he met with another retreat. The king of France admitted him into Sens <sup>p</sup>, where he often resided, and handsomely furnished him with all things necessary. His frequent conversations with that monarch, were a great means of increasing the jealousy and animosity he had already entertained against Henry.

Prince John  
born.

Mat. West.

1167.

Matilda dies.

Diceto.

M. Paris.

Brompt.

M. West.

Towards the latter end of this year queen Eleanor was delivered a fourth son, called John. The birth of this prince was quickly followed by the death of the empress Matilda, the king's mother, in the sixty-seventh year of her age <sup>q</sup>. She left in her will very considerable legacies to the poor and the churches, and bequeathed a large sum for finishing the bridge of Roan, of which she had laid the foundation.

Hitherto the pope and archbishop had but little reason to boast of the success of their contest with Henry. Becket, deprived of his revenues, languished in a melancholy exile, whilst the pope received no profits from England. His holiness easily foresaw, if things remained in this state, his authority was like to be contemned, not only in England, but in other parts of Christendom. Besides, he was of a very haughty temper. This is the same Alexander, that some years after, treated so shamefully the emperor Frederic Barbarossa at Venice <sup>r</sup>. There was no hopes, therefore, that a pope of his character would suffer the king to triumph with-

<sup>p</sup> Where he staid four years. Gervase.

<sup>q</sup> She was buried, (says Sandford) aged about sixty four years, in the abbey of Bec in Normandy, with funeral pomp. But Gabriel de Moulin tells us, she was interred in the church of Notre Dame du Pré, in the suburbs of Roan. On account of her being the daughter of a king, wife of an emperor, and mother of a king, she had, according to M. Paris, these words engraven on her tomb:

Ortu magna, viro major, sed maxima  
[partu,

Hic jacet Henrici filia, sponsa, parens.

Her issue by the earl of Anjou was : I. Henry Fitzempress, king of England. II. Geoffrey earl of Nantes, who died 1157. III. William, called by Speed earl of Poictou ; but he does not appear to be otherwise mentioned, than Willielmus frater regis Henrici. He died in 1163. IV. A daughter, as said by Hoveden, to be wife of Owayn prince of North Wales. But she is mentioned by no other author.

<sup>r</sup> He was the nineteenth emperor of Germany from Charles the great. Upon a quarrel with Alexander, he was excommunicated, and at length forced to submit to the pope, who insolently trod on his neck.

out

but long and violent struggles. Accordingly, as soon as his affairs were settled, he began seriously to think of means to end this contest to his advantage. To make the king uneasy, he shewed an extraordinary regard for Becket, and confirmed to him all the privileges enjoyed by his predecessors, affecting by this unseasonable respect to insult the king. And indeed, there was no occasion of taking this step, while the archbishop was in exile, and out of favour with his sovereign. Henry, to be even with him, caused it to be rumoured, that he was going to withdraw his obedience from Alexander, and recognize Paschal III. He even went so far as to write to some of the princes of Germany, to acquaint them, he was upon the point of taking this resolution. The truth is, if it had been in his power, he would very probably have taken that step, without farther consideration, but it would have been difficult to bring the nation to this change, and especially the clergy. He had but few bishops on his side. All the rest of the clergy were for the pope and Becket in their hearts, though fear kept them from showing it openly. Alexander, knowing their inclinations, was the more stout, and expressed less regard for the king than he would have otherwise done. To let the king see his threats gave him no concern, he sent a letter to the bishop of London, wherein he seemed to throw off all regard for that prince. He commanded the bishop boldly to admonish him, and enjoin him, in his name, to restore the archbishop of Canterbury to his see, and annul the constitutions of Clarendon. The bishop discharged his commission, though not so imperiously as the pope had commanded. However, he writ to him afterwards, to represent that the king had made no innovations, but only trod in the steps of his predecessors, that his conduct could not in reason be blamed, since he offered to submit to the judgment of the church, provided the affair was tried in the kingdom.

1167.

The pope shews a great regard for Becket.

Henry threatens to own Paschal for pope.  
M. Wett.

The pope despises his threats; and sends to the bishop of London to admonish him.  
Hoved.  
Diceto.  
The bishop's answer to the pope.  
Hoved.

Whatever advantage the king had hitherto gained, he wanted to get clear of this troublesome business, which obstructed the design he had formed to conquer Ireland. Besides, he foresaw, this dispute would in the end turn to his disadvantage, and be very prejudicial to the nation. In this belief, he desired the king of France to appoint a place where they two might have an interview with the archbishop, to hear what he had to say in his defence. Lewis agreeing to this request, Becket appeared before the two kings,

1168.

Conference between the king and Becket before the king of France.  
Gervase.  
M. Paris.

\* Near Paris, about the middle of November. M. Paris.

1168.

Diceto.

Gervase,  
p. 1405.

and very boldly pleaded his cause. After which, being asked whether he would own that he ought to obey his sovereign, he made answer, he was ready to pay obedience to him in all things, saving the honour of God. How reasonable forever this salvo might appear, Henry looked upon it as an evasion. He told the king of France what Becket seemed to promise was nothing at all: since, by this restriction, he reserved a power to pronounce whatever displeased him contrary to the honour of God: but, continued he, I shall make him this offer, which cannot be suspected of a double meaning: there have been in England kings not so powerful as myself, and archbishops that have been great and holy men; let him but pay me the same regard as the greatest of his predecessors paid the least of mine, and I will be satisfied. This was not what Becket wanted. He knew very well, it would be difficult to justify his pretensions by any former precedents. And therefore he rejected the offer, on pretence that the affair being now before the pope, he could agree to nothing without his consent. How great partiality soever the king of France had all along shown to Becket, he could not help owning on this occasion, that the archbishop's obstinacy was the sole obstacle to a peace. This censure was very serviceable to Henry, as it silenced, in great measure, the report so industriously spread in the world, of his intention to abolish in England the privileges of the clergy. However, it made no impression on Becket, as well knowing the pope was too much interested, and too deeply engaged in the affair ever to desist.

1169.

Becket ex-  
communicates the  
English  
priests.  
Paris.  
Diceto.  
Gervase.

Henry  
threatens  
the pope,  
which puts  
him in great  
perplexity.  
Act. Pub.  
t. 1. p. 28.

It plainly appeared, Becket was not mistaken, for presently after, Alexander sent the king notice, he could not dispense with granting the archbishop a power to revenge with the sword of excommunication, the injuries done the church and his own person. As soon as Becket received the pope's leave, he thundered anathemas against such numbers of the clergy, that there was scarce enough left unexcommunicated to officiate in the king's chapel. Though most were inclined to favour the cause he maintained, he was not satisfied, but charged them with shameful prevarication, in not openly espousing his quarrel. Henry, provoked at these proceedings, appealed to a future council, and sent the pope word, that unless he immediately dispatched legates, with power to decide the affair, he should take such measures as would not be agreeable to him. This menace threw Alexander into great perplexity, because he could not help fearing the union of the king with the emperor. On the other hand, he was

so

so engaged in the defence of the pretended rights of the church, that he could not desist without great prejudice to the holy see. To free himself from this uneasiness, he had recourse to the methods always successfully practised by the court of Rome on the like occasions. He feigned to be willing the affair should be tried in England, and, to allure Henry with these hopes, sent away legates, who met the king in Normandy. But as they were preparing to wait on him, they received fresh instructions, forbidding them to give a final sentence, without imparting it to the archbishop of Sens. This was sufficient to blast all hopes of a sudden peace, none being more averse to it than that prelate.

*He sends legates. Diceto. Gervase. And sends them new instructions.*

Some time after, the pope willing to keep Henry still in a belief that matters might be amicably adjusted, desired the two kings of England and France, to consider of means to end the dispute. Whereupon, Henry repairing to Paris, Becket was ordered to appear once more before these two princes. This conference, purposely intended to amuse Henry, succeeded no better than the former<sup>1</sup>. The archbishop, without yielding the least point, still insisted, that before a treaty was begun, the king ought to make entire restitution<sup>2</sup>, to which Henry would not consent, without knowing first the terms of reconciliation. This was all Becket could have expected by way of compensation, in case he himself had made any concessions. But to pretend, that the king should begin with condemning himself by this restitution, without any advances on his part, was in effect to declare, he would come to no agreement. The only thing he offered as a sign of his inclination to peace, was that he would stand to the judgment of the French divines. But this offer being rejected, the negotiation broke off, with some advantage however to the king, as it rendered his disposition to peace more conspicuous.

*Another conference between the king and Becket to no purpose. M. Paris,*

There is no adjusting a quarrel with the clergy, unless their demands are all answered. Their cause, as they pretend, is the cause of God, and consequently no concessions can be made without sin. Upon this principle it was, that the archbishop of Sens, pressed the pope to put England under an interdict, and excommunicate Henry for an obstinate heretick. Henry having advice of what this prelate was soliciting at Rome, published a fresh edict in England, for-

*Gervas,*

<sup>1</sup> It was held at a place called Mons Martyrum. Gervas.

<sup>2</sup> Becket computed his losses at thir-

ty thousand marks; and the king offered him ten thousand for the charges of his journey. Gervas,

1169. bidding the receiving any orders from the pope, or Becket, and declaring, in case a letter of interdict should come into the kingdom, all that submitted to it should be immediately hanged, as traitors to their king and country. In fine, he enjoined all absent clergymen to return to their churches, on pain of forfeiting all their revenues, and suspended the payment of pater-nice till further orders. These vigorous proceedings making the pope apprehensive of some dangerous revolution, should he carry things to extremity, he left the affair undetermined, in expectation of an opportunity to push it with more advantage to himself.

Vigorous proceedings of the king against the pope.  
Gervase.  
The pope gains time.

1170. During this calm, Henry, who had spent near four years in France, returned home <sup>v</sup> to regulate some affairs, which his absence had hindered him from attending to. The administration of justice was so shamefully neglected, that at his arrival he found himself obliged to send commissioners into all the counties, with full powers to enquire into the misdemeanors of the magistrates, and to punish the guilty <sup>x</sup>.

Henry returns to England.  
Gervase.  
Hoved.

Henry the king's eldest son crowned.  
Hoved.  
Brompt.  
Gervase.  
M. Paris.

Pride of the young king.  
Pol. Virg.

This, and some other affairs concerning the publick good, being settled to the people's satisfaction, Henry convened a general assembly <sup>y</sup>, at which were present the bishops, abbots, earls, barons, sheriffs, bailiffs, and aldermen of the principal cities of the kingdom. Before this numerous assembly he caused Henry his eldest son to be crowned <sup>z</sup> by the archbishop of York, assisted by the bishops of London and Durham. The next day the young king received the fealties of all the lords spiritual and temporal, and of the magistrates of the cities and counties, who were summoned on purpose to be present at the coronation. At the feast, made upon this occasion, the king himself would carry up the first dish, and speaking to his son, told him, never was monarch served in a more honourable manner. Instead of returning his compliment, the young king, who was of a very haughty spirit, turning to the archbishop of York, who stood by him, said in a low voice, it was no such great condescension in the son of an earl to serve the son of a king.

<sup>v</sup> He landed at Portsmouth, March 3, after a very bad passage; one of his ships being lost, and several of his great men drowned. Gervas.

<sup>x</sup> Sheriff and other officers. The reader may see the articles of enquiry at large in Gervas, and Tyrel, vol. II. which gave great light into the ministerial part of the law of those days.

<sup>y</sup> At Windsor. From thence he

came to Westminster, where his son was crowned: at this coronation were present, William king of Scotland, (who did king Henry homage) and his brother David, who was knighted by Henry. Hoved.

<sup>z</sup> With the assent and consent of the clergy and people. Clero & populo consentientibus & assentientibus. Hoved, p. 518.

This

This coronation, performed with an universal approbation, gave the king a double satisfaction. He not only by that means secured the crown in his family, but moreover extremely mortified Becket. Indeed that prelate was concerned to hear, a ceremony of that importance was solemnized without him, being, as he pretended, an office annexed to the dignity of archbishop of Canterbury.

The king of France took great offence at his daughter's not being crowned with the prince her spouse. This disgust, joined to some other occasions of quarrel, which are but too frequent among neighbouring princes, caused him to take up arms. But this war was of so little consequence and short continuance, that it is entirely needless to descend to particulars. It suffices to say, that it was almost as soon ended as begun, by a treaty of peace between the two monarchs.

Shortly after Henry was seized with a violent fever at Domfront, in the province of Maine. He was so dangerously ill, that believing he was near his end, he hastily made his will. To Henry his eldest son he gave England, Normandy, Maine, and Anjou; and to Richard his second son, Guienne and Poictou. As for Geoffrey, he thought Bretagne sufficient for him, which he was to enjoy after the death of duke Conan his brother-in-law. As for John, his fourth son, he was satisfied with recommending him to be provided for by his eldest brother.

Henry's indisposition produced another considerable effect. The approach of death having raised scruples in the king, to which he was a stranger whilst in health, he resolved to be reconciled, at any rate, with Becket, in case he recovered. He considered, the archbishop had been sufficiently punished by a six years exile, during which he had been deprived of his revenues. Besides, he was desirous, if God pleased to prolong his days, to enjoy a repose, which the pope threatened continually to disturb, by thundering the church's censures against him. Pursuant to this resolution, as soon as his health permitted, he held a conference with the king of France at Montmirail, where Becket was present. As the king then stood disposed, he agreed to almost every thing required by the archbishop. But after all the articles were settled, just as Becket was stepping up to the king, to give him the kiss of peace, he took it in his head to say, he was going to salute him to the honour of God. The king, who was not thoroughly satisfied of his sincerity, imagining there was some hidden mystery in that expression, refused to receive his salute accompanied with those words, &c.

1170.  
Becket is mortified.

Lewis complains of Henry.  
Gervase.  
Pol. Vingt.  
Brompt.  
Hoved.

They are friends again.

Henry falls sick, and makes his will.  
Brompt.  
Gervase.  
Hoved.

He resolves to make up matters with Becket.  
Hoved.  
Brompt.  
Gervase.

A conference at Montmirail, comes to nothing by accident.  
M. Paris, p. 122.

1170. him seemed superfluous. The archbishop, on his part, insisting upon saying them, all the pains taken to adjust matters became of no effect, by the over strained nicety of both parties. However, Henry willing upon any terms to get clear of this business, ordered it so, that another interview was agreed upon at Amboise, where the king of France came attended by several princes and lords. Here at length all difficulties were surmounted. Henry was sincerely reconciled with Becket<sup>a</sup>, and swore to restore him to the same state he enjoyed before his banishment, and likewise make restitution to his relations and friends, of all that was seized since his departure. Thus this contest seemed to be happily ended by the king's generosity, who protested, he heartily forgave all that was passed<sup>b</sup>.

The quarrel  
is decided.  
R. Diceto.  
Brompt.  
Hoveden.  
M. Paris.

The re-  
vengeful  
proceedings  
of Becket.  
R. Diceto.  
Brompt.  
Gervase.  
Hoved.  
M. Paris.

Moved.

Tyrel.

The young  
king refuses  
to see him.  
R. Diceto.  
Gervase.  
He enters  
Canterbury  
in triumph.  
Hoved.

But the archbishop was not so easily appeased. Though he obliged Henry to pardon all those that had offended him, he himself could not resolve to forgive those whom he thought he had reason to complain of. He was chiefly exasperated against the archbishop of York, and the bishops of London, Durham, and Exeter, who had acted the most openly against him. Before he left France to return into England, he obtained the pope's licence to suspend the first, and excommunicate the others, and accordingly executed it the moment he landed. He had even no regard to the entreaties of the young king, who having notice of his design, sent messengers to divert him from it. Though by this refusal, he gave that prince just cause to complain of him, he would go and salute him at Woodstock, where he resided. Some say, the desire of paying his respects to the young king was not the principal motive of his intended visit, but his real aim was to make a triumphant entry into London, through which he was to pass. Be this as it will, he lodged in Southwark, with design to be at Woodstock next day, but he received a letter from the young king, ordering him to repair forthwith to Canterbury. Though this was a great mortification to him, he thought fit to obey the order. Accordingly he set forward for the capital of his diocese, where he made his entry with the acclamations of the meaner sort of people, whilst the more considerate were sorry to see him thus triumphant, who, far from being humbled by his long exile, was grown more haughty. This was soon visible,

<sup>a</sup> Chiefly through the means of Roton, archbishop of Roan. R. de Diceto.

<sup>b</sup> And held Becket's stirrup, whilst he was getting on horseback. Gervas.



more particularly, when mounting his archiepiscopal chair on Christmas day, he solemnly excommunicated Nigel de Sackvil, and Robert Brock, both distinguished by their birth and stations. He accused the former of unjustly detaining a manor belonging to the archbishoprick, and the latter of cutting off the tail of a horse, that was carrying provisions to his palace. This proceeding was a plain indication, he was not humbled by his disgrace, but was ready to revive the quarrel whenever he saw occasion. The truth is, had he intended to keep fair with the king, he would not have excommunicated for such trifles, two of the immediate vassals of the crown, since that was one of the articles which occasioned his contest with Henry.

Mean time, the suspended and excommunicated prelates were gone to carry their complaints to the king, who was still in Normandy. When they came into his presence, they threw themselves at his feet, and complained, that by the peace made with Becket, the terrors and troubles of those that had sacrificed themselves to his service were increased. The archbishop of York added, as long as Becket was alive, it was impossible for England to enjoy any repose. Henry, exasperated by these complaints, and tired with being thus incessantly plagued, by the insolence of a subject whom he had raised from the dust, could not help uttering these words aloud. I am very unhappy, that among the great numbers I maintain, there's not a man that dares undertake to revenge the affronts I perpetually receive from the hands of a wretched priest. These words were not dropt in vain. Four of the king's domesticks reflecting on the king's reproaches, combined together to free him from this enemy. To that end, they came to Canterbury, where they agreed upon the method to execute their design. One day, when the archbishop was gone to the cathedral with few attendants, they entered the church armed, and came up to the altar where he was standing. They began with outrageously upbraiding him for his pride and ingratitude: to which he returned so resolute an answer, as gave them occasion to execute their

He excommunicates two barons, Gervase. R. Diceto. Hoved. M. Paris.

The excommunicated bishops complain to the king. Brompt. Gervas. Fitzstep. M. Paris.

Indiscreet words of the king. Gervas. p. 1414.

Four of the king's domesticks plot against Becket. R. Diceto. Gervas. Hoved. and murder him at the altar. Brompt.

<sup>c</sup> Fitzstephens calls them barons and servants of the bedchamber; Brompton, four knights, belonging to the king's household; and Hoveden, men eminent for their birth. Their names were Reginald Fitzurse, William Tracy, Richard Britton, and Hugh Morvill, Diceto.

<sup>d</sup> They went first to his house, and

expostulated with him about the excommunicated bishops, &c. after which they retired. The archbishop in the mean while going into the cathedral to vespers, they followed him there, &c. R. Diceto. Gervas. Brompton says, they directly went into the church, where he was.

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purpose. As they were not come with intent to reproach him only, they broke his skull with their clubs \* in so violent a manner, that the blood and brains flew all over the altar. After committing this action, they peaceably retired, no body offering to stop them †. The resolution, Becket showed on this occasion, the zeal he expressed by recommending to God, with his last breath, the cause of the church, the time and manner of his death, aggravated the guilt of his murderers, and gained him more friends after he was dead, than ever he had during his life.

Reflections  
on his cha-  
racter.

Thus died this famous archbishop, whom some have ranked among the most illustrious martyrs, whilst others believed they might, without any injustice, deny him the character of an honest man, and a good christian. About fifty years after his death, it was the subject of a publick dispute at the university of Paris, whether Becket was in heaven or hell, so ambiguous a point was his sanctity. Some asserted, that for his extreme pride, he deserved to be damned. Others on the contrary, maintained, that the miracles wrought at his tomb, were undoubted proofs of his salvation. This argument indeed would have been unanswerable, if these miracles were as evidently proved, as industriously spread. However this be, it is confessed, Becket suffered martyrdom, but it remains to determine, whether it was indeed for the cause of God and religion, or only for that of the pope and clergy. I shall leave the reader to make what reflection he thinks proper on this subject, whilst I content myself with relating the consequences of this prelate's death, which are no less remarkable than the incidents of his life. He had deserved too well of the court of Rome, not to have a place in the catalogue of the saints. There were many in that

\* They used only swords. Gervas. Brompt.

† Not daring to return to the king, they went and staid a year at Knaresborough castle, in Yorkshire, belonging to Hugh Morvill; after which, Hoveden says, they went to Rome for absolution, and were enjoined to go to Jerusalem, and do penance on the black mountain for life. We have an account of the manner of the archbishop's death at large, by Gervase of Canterbury, and Edward Ryme, who were eye witnesses. This last had his arm almost cut off by receiving the first blow that was made at Becket's head, occasioned, as he says, by the archbishop's calling Fitz-

urse, pimp. The manuscript relation of the life and sufferings of this archbishop, written in a hand of that age, is preserved in the library of Gresham College. He was assassinated in the fifty-third year of his age, on the 30th. of December, 1171. reckoning the beginning of the year from Christmas-day. Gervas. Some chroniclers say, that all who were concerned in Becket's murder, died miserably in three or four years. See M. Westm. p. 250. But the annotator on Mr. Camden well observes, that this is false; for William Tracy retired, twenty-three years after the fact, to Mort, in Devonshire. See Camden in Devonshire,

fit, who, in the opinion of that court itself, were not so worthy of the honour, as one that had spilt his blood in defence of the church. He was therefore canonized two or three years after his death. However desirous the pope was to show his gratitude to the memory of so faithful a servant, the world must be first convinced that the cause he died in, was approved by God, otherwise, his canonization might have been objected against. Nothing was more proper to infuse this belief into the minds of the people than miracles. Accordingly, such multitudes were forthwith wrought at the tomb of the new martyr, that in any other age, the number and nature of these miracles, instead of satisfying the world, would have had a quite contrary effect. Neither Christ nor his apostles worked the like, or so many, to prove the truth of christianity, as this new saint did to authorize the privileges and immunities of the clergy. It was not thought sufficient to assert his restoring dead men to life, but it was farther affirmed, he raised the very beasts. It was given out for certain, that being exposed to view in the church before he was buried, he rose out of his coffin, and went and lighted the wax candles which had been put out. It is said also, after the funeral ceremony was over, he held up his hand to bless the people. To all these miracles, many others are added, equally becoming the majesty of God. Mean while, they were spread with that confidence, that not a man was found hardy enough to shew the least sign of doubt. The pope's legates, sent some time after to examine into these matters, found the people of Canterbury so persuaded of the truth of these facts, that, upon such publick evidence, his holiness thought he should run no hazard in canonizing Becket, by the name of St. Thomas of Canterbury. The tomb of the new saint was at first adorned with few ornaments, but, fifty years after his death, his body was laid in a shrine, enriched with a prodigious quantity of precious stones. As a farther honour to his memory, the pope ordered, every fiftieth year, a jubilee to be solemnized in the church where he lay. From thenceforward miracles became so common at his tomb, and their fame spread so far, that they drew votaries from all parts of Christendom, who came to Canterbury, to obtain the intercession of this new saint. In 1420, they kept an account of above fifty thousand foreigners, of all ages and sexes, that came in pilgrimage that year to this renowned tomb.

To avoid interrupting the narrative of this famous contest, I was obliged to defer till now to speak of certain occurrences

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Abundance of miracles attributed to him after his death. Gervas. R. Diceto.

He is canonized.

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**Marriage of Matilda the king's daughter with the duke of Saxony.**  
*Dicto. Brompt. Hoved. M. Paris.*  
 In 1165, during the heat of the dispute, the archbishop of Cologne, came into England, to conduct Matilda the king's daughter to the duke of Saxony, to whom she was betrothed. As all the princes of Germany were then for the antipope Paschal, they were considered as schismaticks in all places where Alexander was acknowledged. This is the reason, why after the departure of the archbishop, the churches, where he and the priests that attended him, said mass, were all reconsecrated. The king durst not oppose this resolution; for fear of making the breach wider between him and Alexander, with whom he was willing to keep fair.

**German hereticks arrive in England, and are condemned at Oxford.**  
*Brompt. Neubrig. Dicto. M. Paris.*  
 In 1166, certain hereticks arrived from Germany in England, about thirty in number, being headed by one Gerhard. It is not distinctly known wherein their heresy consisted, in all likelihood there were fathered upon them, by forced inferences, opinions which they entertained not. However this be, they were summoned before a council held on purpose at Oxford, where they were condemned, and delivered over to the secular power. The king, unwilling to give the pope any handle against him, treated these people very severely. After branding them in the cheek with a hot iron, he forbid all his subjects to give them any relief. This prohibition being punctually observed, all those wretches miserably perished with hunger, without being heard to utter the least complaint of such inhuman usage. This is not the only instance of its being the worst of times for hereticks, when princes are at variance with the pope.

**King of Scotland dies.**  
*Brompton. Eleanor's marriage. Conan dies, and is succeeded by Geoffrey, Henry's son.*  
 Malcolm, king of Scotland, died about this time <sup>2</sup>, and was succeeded by William his brother.

The marriage of Eleanor, daughter of Henry, with Alphonfus, king of Castile, was concluded in 1169, a little before Becket's return into England.

Conan the little, duke of Bretagne, dying in 1171, prince Geoffrey, who had married his daughter, succeeded him. But, as he was not above twelve years old, the king his father took the guardianship upon himself, and went in person into Bretagne, to receive the fealty of the barons.

These are the most considerable events, during the conteff between the king and the archbishop of Canterbury. I proceed now to what followed upon the death of that prelate.

<sup>2</sup> In 1165. Brompt.

Henry being freed from the disturber of his quiet, was in hopes to enjoy some tranquillity. But he found that Becket, when dead, created him no less trouble than when alive. His enemies, the chief of whom were the king of France, and archbishop of Sens, omitted not this opportunity to raise him new disturbances. They boldly charged him with being the author of Becket's murder, and endeavoured by all sorts of means to excite the pope to revenge the death of his faithful servant. Though it was difficult to prove that Henry had any hand in the assassination, Alexander was willing however to believe him guilty, that he might have occasion to humble a prince who had all along stoutly opposed him. He was sensible, this was a favourable juncture to procure advantages which that monarch could never be brought to yield at any other time. Wherefore he threatened to excommunicate him, and put the kingdom under an interdict, unless he gave marks of a sincere repentance. Had this prince been more weak, or less able, he would never have got clear of so dangerous an affair. But his resolution on this occasion, his presents to the cardinals, and his repeated protestations, to submit to the sentence that should be pronounced in England, averted this terrible blow.

Whilst this affair was transacting at Rome, Henry resumed the project of the conquest of Ireland, formed some years before, but deferred on account of his quarrel with Becket. The Irish taking some Englishmen prisoners, and afterwards selling them for slaves, furnished him with a pretence for this enterprise. But the real motive was the desire of enlarging his dominions by the conquest of an island so near to England<sup>1</sup>. Two favourable conjunctures induced him to think of this conquest. In the first place, he was at peace with all his neighbours. And secondly, Adrian IV.

<sup>1</sup> The persons he sent to the pope, were the archbishop of Roan, the bishop of Evreux, the bishop of Worcester, Richard Barre, &c. Hoved. p. 526. The pope refused at first to see them; but when they found no other means would prevail, they began to entreat after the Roman manner (as Gervase expresses it) that is, they distributed five hundred marks amongst the pope and cardinals, which soon gained them an audience. Gervas.

<sup>2</sup> Gervase assigns this as the reason of it, Richard, nephew of Harvey de

Mont-Maurice, having incurred king Henry's indignation, could no way be restored to his favour; whereupon going to his uncle Hervey to Ireland, he settles there, and in a little time, becomes master of large dominions, and even takes Dublin: in order therefore to stop his progress, the Irish invite Henry over, &c. Gervase thinks, another motive of this expedition was that Henry might the better secure himself against the pope's interdict. But see Girald Cambrens.

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Henry charged with Becket's murder, Diceto. Brompt. Hoved.  
The pope intends to push him vigorously.

Henry acts with address and resolution. Brompton. Gervas. Hoved. M. Paris. He forms the design of conquering Ireland. Brompt. Hoved. M. Paris.

1171. a native of England, being then pope, he hoped easily to obtain his approbation. Though the outrages committed by the Irish upon his subjects might be one reason of his intended expedition, that was not the thing he alledged to the pope to obtain his consent. The glory of God and the salvation of souls, plausible pretences, but which rarely set princes upon projects of this nature, were the arguments he urged to prevail with Adrian to approve his design. To these he added another, and no less powerful motive, the enlarging the jurisdiction and revenues of the holy see. He pretended, the Irish being schismaticks, it was necessary to put them in the right way, and oblige them to acknowledge the papal authority, which till then had been disregarded by them: that the properest means to that end was to bring them into subjection to the crown of England, which had ever been devoted to the holy see. This is what we find in the bull sent him by Adrian on this occasion, where we may further observe, what power the popes assumed to themselves, and how attentive they were to every thing that might help to increase their authority.

This project  
had been  
approved by  
Adrian IV.

ADRIAN, *servant of the servants of GOD, to his son, in CHRIST JESUS, HENRY, king of ENGLAND; sends greeting and apostolical benediction.*

Adrian's  
bull to en-  
courage the  
Irish expedi-  
tion.

Gir. Camb.

Ann. 1154.

Diceto.

M. Paris,

P. 95.

“THE desire your magnificence expresses to advance the glory of your name on earth, and to obtain in heaven the prize of eternal happiness deserves, no doubt; great commendations. As a good catholick prince, you are very careful to enlarge the borders of the church, to spread the knowledge of the truth among the barbarous and ignorant, and to pluck up vice by the roots in the field of the lord: and in order to this you apply to us for countenance and direction. We are confident therefore; that by the blessing of the Almighty, your undertaking will be crowned with a success suitable to the noble motive which sets you upon it. For whatever is taken in hand from a principle of faith and religion, never fails to succeed. It is certain, as you yourself acknowledge, Ireland, as well as all other islands which have the happiness to be enlightened by the Sun of righteousness, and have submitted to the doctrines of christianity, are unquestionably St. Peter's right, and belong to the jurisdiction of the  
“ Roman

" Roman church. We judge therefore, after maturely  
 " considering the enterprize you propose to us, that it will  
 " be proper to settle in that island colonies of the faithful,  
 " who may be well-pleasing to God. 1171.

" You have advertised us, most dear son in Christ, of  
 " your design of an expedition into Ireland, to subject the  
 " island to just laws, and to root out vice, which has long  
 " flourished there. You promise to pay us out of every  
 " house a yearly acknowledgment of one penny, and to  
 " maintain the rights of the church, without the least  
 " detriment or diminution. Upon which promise, giving a  
 " ready ear to your request, we consent and allow that you  
 " make a descent in that island, to enlarge the bounds  
 " of the church, to check the progress of immorality, to  
 " reform the manners of the natives, and to promote the  
 " growth of virtue and the christian religion. We exhort  
 " you to do whatever you think proper to advance the ho-  
 " nour of God and the salvation of the people, whom we  
 " charge to submit to your jurisdiction, and own you for  
 " their sovereign lord, provided always that the rights of the  
 " church are inviolably preserved, and the peter-pence duly  
 " paid. If therefore, you think fit to put your design in  
 " execution, labour above all things to improve the inha-  
 " bitants of the island in virtue. Use both your own and  
 " the endeavours of such as you shall judge worthy to be  
 " employed in this work, that the church of God be en-  
 " riched more and more, that religion flourish in the coun-  
 " try, and that the things tending to the honour of God  
 " and salvation of souls, be in such manner disposed, as  
 " may entitle you to an eternal reward in heaven, and an  
 " immortal fame upon earth."

These are the foundations of Henry's pretensions to Ire-  
 land. In reading the bull, it is hard to know, which of the  
 two acted with the greatest dissimulation, the king or the  
 pope. Henry alledged false pretences to cover his ambition,  
 and Adrian pretended to believe him, in order to have the  
 disposal of a country which belonged not to him, and the  
 transferring it to a prince who had no manner of right to it.  
 But it is easy to discover, through all these disguises, the  
 motives which influenced the pope. Ireland had not yet  
 acknowledged the superiority of the Roman see over the  
 whole christian church. That was the immorality which  
 was to be rooted out of the field of the Lord. Submission to  
 the bishop of Rome, was the seed that was to be carefully  
 sown

Remarks on  
this bull.

1171. sown and cherished, to the end the Roman church might reap a plentiful harvest. What else can be meant by spreading the knowledge of the truth, where the christian religion was so long before embraced? however this be, Henry, supported with the pope's approbation, and authorised by his exhortations, waited only a favourable opportunity to execute his design, which was obstructed some years by Becket's affair. He was no sooner clear of that incumbrance, but he resumed the same project, bent upon executing it, the moment he should make a peace with France, with which he was then at war. However, though the war was not yet ended, an opportunity offered, which he failed not to embrace. But before I relate the success of this undertaking, it will be necessary to give some account of that island, which we shall soon see united to the English monarchy.

Situation,  
largeness,  
and advantages  
of  
Ireland.  
Camden in  
Ireland.

Gir. Cam.  
in Topog.  
Hibern.

Ireland is situated on the West of Great-Britain, from which it is parted by an arm of the sea, called St. George's Channel, in some places not above three leagues wide. The island is in length from South to North, about three hundred, and in breadth from East to West, two hundred miles. It is certain, in all Europe there is not a more temperate climate than that of Ireland. Excessive heat and cold are seldom known there, because the vapours, rising from the surrounding sea, generally qualify these two extremes. The soil is very fertile, especially in the southern parts. They who say no wheat grows there, mean no doubt, the northern parts, where the people commonly live upon oat bread. But every where else there is good wheat, and in plenty sufficient for the subsistence of the natives. However the island abounds most with pasture grounds, and its chiefest wealth consists in a great breed of cattle. The sea is stocked with such plenty of fish, that were the inhabitants destitute of all other food, that alone would be sufficient to sustain them. But the most considerable advantage this island enjoys, is a commodious situation for trade and commerce, not only with all Europe, but other parts of the world. Add to this the great number of good ports which facilitate the exportation of its commodities. These advantages have so raised the jealousy of the English, that ever since their conquest of the island, they have had nothing more at heart than the preventing of the Irish from extending their commerce, lest the trade of England should thereby receive too great a prejudice. It is no wonder, an island so fertile, so well situated, and so near England, should



should attract the eyes of Henry II. who set no bounds to his ambition.

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If we may believe some Irish historians, the first inhabitants of this island are to be traced beyond the flood. But others less prejudiced in this point, give the following account of their origin. They pretend, that from the third age of the world, Ireland was inhabited with Scyths, whose number, in the fourth <sup>1</sup>, were considerably augmented by colonies of Spaniards. These two nations, in process of time, not only peopled Ireland, but the Hebrides also, from whence part of them went and settled in North Britain, as was observed in the introduction.

Its first inhabitants.

Several names have been given this island, all formed from the word Erin, the name given it by the natives themselves. Such as Ierna, Juverna, Iouernia, Ouernia, Bernia, Hibernia, which plainly own all the same origin. The Britons styled it in their language Yverdon. The Romans, Hibernia, and the Saxons, Iren-landt, that is, the country of Iren or Erin. The etymology of the word Erin is not well known, but Camden's conjecture, who derives it from an Irish word signifying West, seems very probable, because in reality Ireland is the most western island of Europe <sup>1</sup>. Isidore and Bede call it Scotia, with respect to the inhabitants, who for the most part came from Scythia, as was said before, and for that reason were called Scots. The same writers term it also Scotia Major, to distinguish it from North Britain inhabited by the same nation. Others give it the name of Britannia Parva, to distinguish it from Great Britain, pretending that all the isles of those parts should be called the Britannick islands. We are still more in the dark with regard to the origin of the Irish tongue, which has nothing, not even its letters, in common with the languages of the neighbouring nations.

Divers names of this island.

Ptolem.

Its language different from all others.

Pope Celestinus I. was the first that undertook the conversion of the Irish to christianity, by sending Palladius to preach the gospel to them. But being deprived of this their first bishop by an untimely death, Patrick, disciple of St. Germanus, was sent in his stead, who converted most of the natives. Their posterity have all along considered him as their apostle, and still hold him in great veneration. Shortly after their conversion, Ireland abounded with monks, who for the most part became so famous for their sanctity, that

Conversion of the Irish Ninnius.

The great fame of the first Irish monks.

<sup>1</sup> They have not explained what they mean by the third and fourth ages of the world. Rapin,

<sup>1</sup> Bochartus derives Hibernia from Ibernae, a Phœnician word, signifying the farthest habitation,

1171. they were the occasion of the island's being termed the country of saints. From hence great numbers of learned and zealous men came forth, who greatly promoted the conversion of the Albin-Scots, Picts, and Anglo-Saxons. Such were Columbanus, Aidan, Finan, Colman, Kilian, and many others spoken of elsewhere.

Ireland suffers much from invasions.

Giald. Cambrensis.

Domestick dissensions.

Ireland parcelled out into seven kingdoms.

An. 1066.

Religion and learning which flourished in Ireland, were expelled thence by foreign invasions, to which that island was frequently exposed. A king of Northumberland sent a numerous army thither, which committed great ravages. Afterwards the Norwegians wasted the country in a terrible manner above thirty years, under the conduct of Turgeftus, who at length was cut off by an ambuscade. This devastation was quickly followed by an invasion of certain people from Germany, called by historians Estmanni, that is, the men of the East. Shortly after, Edgar, king of England, subdued Ireland, if a charter that goes under his name may be credited, where he makes his boasts of that conquest. But how great soever the desolations were that this island suffered from the hands of foreigners, intestine divisions caused still greater mischiefs. The Irish were hardly freed from the invasions of the foreigners, and particularly the Danes, who made them, no less than the English, feel the effects of their fury, when a civil war broke out among them, which ended in the partition of the island into several petty states. These kingdoms, which at first were numerous, and consequently very small, were at length reduced to seven, namely, Connaught, Cork, Leinster, Ossery, Meath, Limerick, and Ulster. The king of Connaught, the principal of these petty sovereigns, kept the rest in a sort of dependence, with much the same authority as the Anglo-Saxon monarchs formerly enjoyed during the heptarchy. This is the reason why the Irish annals give Roderic, king of Connaught, who reigned in the time of Henry II. the title of monarch, though there were more kings besides him in the island. Such was the state and condition of Ireland, when the English undertook the conquest of it. A difference

<sup>m</sup> Camden observes, that the Saxons in those days flocked to Ireland, as to the great mart of learning; which is the reason why we so often find this in our writers, such a one sent his son over to Ireland to be educated. Vid. Bede, l. 3. c. vii. and xxvii.

<sup>n</sup> Egfrid.

• These seven kingdoms were re-

duced to four large provinces, into which the island is at present divided, Ulster, Leinster, Munster, and Connaught. Rapin. To which formerly was added Meath, now reckoned part of Leinster. These four provinces are divided into thirty-two counties or shires, four archbishopricks, and eighteen bishopricks.

between

between two of these kings, the weakest of whom invited the English to his assistance, was the occasion of the Irish losing their liberty. This was not the first time, the like cause had produced the like effect. An imprudence of the same nature furnished the Moors with an opportunity of conquering Spain, and the Anglo-Saxons of subduing Britain. Hence it appears how dangerous it is to invite foreigners into a kingdom, who cannot be afterwards expelled with the same ease. 1171.

Among the sovereigns then reigning in Ireland, Dermot The king of Leinster desires aid of Henry. Girald. Cambrensis. king of Leinster was one of the most considerable, by the extent of his dominions. From this prince's accession to the throne, he had acted so arbitrarily, that he was grown extremely odious to his subjects. But he made slight of his people's hatred, being at peace with his neighbours, who concerned not themselves with what passed in that kingdom. However, he afterwards gave them occasion himself, by [debauching and] carrying away the wife of O-Roric, king of Meath. O-Roric, to revenge the affront, levied an army, and with the help of Roderic, king of Connaught, attacked Dermot, who, finding himself abandoned by his subjects, was forced to leave Ireland, for fear of falling into the hands of his enemy. As he had no refuge in the island, where the rest of the kings refused to engage in his quarrel, he went and implored the protection of the king of England, who was then in France. Having informed him of his case, he promised to become his vassal, if by his aid he was restored to his throne. Nothing could be more grateful than this proposal to a prince who had been long meditating the conquest of Ireland, and wanted only an opportunity to interpose in the affairs of that island. Mean while, as his war then with France permitted him not immediately to assist the fugitive king, he contented himself with promising, Henry promises him aid. as soon as the war was over, to aid him to the utmost of his power. Nevertheless, he thought it his interest to persuade Dermot to begin a war, from whence he hoped to reap great advantage. To that end, he advised him to go into England, and endeavour to obtain what assistance he could from some English barons, in expectation of greater forces. Dermot followed his advice, and relying on Henry's word, came into England, where Robert Fitzstephen, and Richard Strongbow Two English lords make an alliance with Dermot. earl of Pembroke, agreed with him upon certain conditions. The former was prevailed

<sup>p</sup> Richard de Clare, surnamed Strong-bow, earl of Striguil, or Strigul, (a castle in Monmouthshire) and

of Pembroke. Camden. They were also joined by Milo de Coggesham.

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with in hopes of making a considerable fortune in Ireland. The latter, who had large possessions in England and Wales, was gained by Dermot's promise, to give him his only daughter in marriage, and settle the succession upon him.

They arrive  
in Ireland,  
and take  
Wexford.

These two lords having drawn together some troops among their friends and vassals, Fitzstephen, who was first ready, accompanied Dermot into Ireland, with four hundred men. Being landed at Waterford, the king of Leinster led them before the city of Wexford, not far from thence. The city, being presently taken, was given to Fitzstephen, who settled there a colony of English. After this exploit, the adventurers reinforcing their little army, to the number of three thousand men by the junction of the natives, marched against the king of Ossory. This prince, who did not expect to be attacked, being unprepared for his defence, was forced to submit to what terms the conquerors were pleased to impose.

They subdue  
the king of  
Ossory.

The king of  
Connaught  
tries in vain  
to send back  
the English.

Mean time, Roderic the monarch had convened the states of the island, and caused them to resolve upon a war with Dermot and the English. Indeed, it was easy to perceive, their designs were not confined to the assistance of the king of Leinster. But as the adventurers were now grown very formidable, he was willing, before he ran any hazard, to try by way of negotiation, to get them out of the island. He addressed himself first to Fitzstephen, and offered him a considerable sum to retire. His offer being rejected, he turned to Dermot, and endeavoured to persuade him to send away the English, by promising to restore him to his kingdom. Dermot immediately closed with the proposal, but when they came to perform their covenants,

¶ These were the first English settled in Ireland, where they have continued ever since, retaining still our ancient garb, and much of our old language, with a mixture of Irish. Camden has given us a list of such as went into Ireland with Dermot. Who (besides Richard Strong-bow, Robert Fitzstephen, Miles de Cogan, already mentioned) were, Maurice de Prendergest, Hervey de Mont-Marish, Robert Barr, Meiler Meilerine, Maurice Fitzgiral, Redmund, William Ferrand, Richard de Cogan, Gualter de Ridensford, Gualter and Alexander, sons of Maurice Giral, William Notte, Robert Fitzbernard, Hugh de Lacy, William Fitz-

aldelm, William Macarell, Humphrey Bohun, Hugh de Gundevill, Philip de Hastings, Hugh Tirell, David Walsh, Robert Poer, Osbert de Harloter, William de Bendenges, Adam de Gernerz, Philip de Breos, Griffin, nephew of Stephen, Ralph Fitzstephen, Walter Bar, Philip Walsh, Adam de Hereford, John de Curcy, Hugh Contilon, Redmund Contimore, Redmund Fitzhugh, Miles of St. David's, &c. Camden in Ireland.

¶ The army was strengthened by the arrival (in the same place) of Maurice de Prendergest, with some soldiers and archers in two ships. It does not appear they were joined by the natives.

mis-

mistrusting each other, they could agree neither upon the time nor the manner. Whist they were employed in devising expedients for their mutual security, the earl of Pembroke arrived from England with twelve hundred men. His first expedition was the taking of Waterford, and putting the inhabitants all to the sword. This conquest breaking off the negotiation, the earl of Pembroke married Dermot's daughter, and quickly after took possession of the kingdom of Leinster, falling to him by the death of his father-in-law. The Irish gave that prince the surname of Ningal, that is, the stranger's friend.

1171.

The earl of  
Pembroke  
arrives.

Dermot dies,  
and is suc-  
ceeded by the  
earl.

After the death of Dermot, the adventurers prepared to carry on their conquests. As they saw the terror of their arms was spread over Ireland, they improved the opportunity, and advancing farther, became masters of Dublin, and some other places. Roderic and the rest of the kings were in such confusion, that they very faintly opposed the progress of the foreigners. It is almost incredible, that the Irish, who were very numerous, should suffer themselves to be over-run by a handful of Englishmen. The reason is imputed to their great dread of the English cross-bows, the use of which, till then, was unknown to them.

The English  
take Dublin.

The reason  
of their  
swift pro-  
gress.

Upon news of this extraordinary success, Henry grew jealous of the adventurers. He was in hopes they would have wanted his assistance, and thereby given him a pretence to pass into Ireland himself, and subdue the island. But finding the faint resistance of the Irish rendered his aid needless, he was afraid the conquerors would become masters of the whole country, which he designed for himself. In this belief, he thought it necessary to oblige them to apply to him. To this end, he forbids the exporting provisions or ammunition to Ireland, and commands all his subjects to return from thence. These orders, which were issued on pretence the adventurers had engaged in their undertaking without his leave, succeeded to his expectation. As soon as the earl of Pembroke and Fitzstephen were informed of the king's edict, they sent deputies to assure him of their obedience, and tell him, all their present and future conquests were at his command. This submission easily appeased the king, who had no farther thoughts of recalling them: Some time after, he made an agreement with them, that he should have all the sea-ports, and the rest remain in the conquerors, to hold of him and his successors. Matters being thus settled, Henry went over himself into Ireland

Henry jea-  
lous of the  
adventurers.

He calls  
them home.

They treat  
with him.

1172.

1172. with a formidable army<sup>a</sup>, and landed at Waterford. The Irish, who before could not withstand a few private persons, and consequently saw themselves unable to resist so great forces, chose a voluntary submission. During Henry's stay at Waterford, he saw all the kings of the island arrive at his court, and with emulation strive who should first swear allegiance.

Henry goes  
to Ireland.  
Chron.  
Camd.  
The whole  
island sub-  
mits.  
R. Diceto.  
Henry comes  
to Dublin,  
from whence  
he returns to  
England.  
Brompt.

Thus Henry, without spilling one drop of blood, became master of Ireland in less time than was sufficient to travel over it. After he had placed fresh garrisons in Waterford, Wexford, and some other maritime towns, pursuant to his agreement with the adventurers, he came to Dublin, where he made some regulations for the government of his new conquest<sup>t</sup>. Shortly after he set out for England, leaving at Dublin, Hugh Lacy, to govern the island in his name, with the title of justiciary of Ireland<sup>u</sup>.

If they who are acquainted with the largeness and importance of the kingdom of Ireland, are surprised at the ease wherewith the English subdued it, they will have no less reason to wonder, when they see, in the course of this history, how troublesome it was to keep it. There are who, considering the blood and treasure that were spent to maintain the English in their conquests, scruple not to say, it would have been better for them, the island had been in the bottom of the sea. It is certain, their keeping it to this day, is not so much for the profit they receive from thence, as to prevent its falling into the hands of a foreign power. For,

<sup>a</sup> He went over from Pembroke with four hundred sail, and landed in Ireland, Oct. 13. Gervas.

<sup>t</sup> And there, without the city, had a palace built of wattles, according to the fashion of that country, where he kept his court till the beginning of February. Brompt.

<sup>u</sup> In 1175, Roderic king of Connaught, sent commissioners to king Henry, who concluded with him a treaty on October 6, at Windsor: which see in Rymer, tom. I. p. 41.

— In 1176, died Richard earl of Striguil and Pembroke, justiciary of Ireland, and was succeeded by William Fitzaldelin. Hoved. — In 1177, king Henry, at a parliament at Oxford, divided part of Ireland amongst several of his great men. To Hugh de Lacy, he gave the whole county of Meath, with all its appurtenances, to

hold of him and his son John, for the service of an hundred knights. He made him also governor of Dublin, with its appurtenances. On Robert Fitz-stephen, and Mi o de Coghnam, he bestowed the kingdom of Cork, to hold likewise of him and his son John, for the service of sixty knights: except the city of Cork, and one cantred, which the king retained in his hands. To Herbert Fitzherbert, William earl Reginald's brother, and Jolan de la Priperai their nephew, he gave the kingdom of Limeric, for the same service, and by the same tenure as the last; Limeric and one cantred likewise excepted. William Fitzaldelin his sewer, he constituted guardian, or governor of Wexford, with its appurtenances; and Robert de Poer, his marshal, of Waterford, &c. Hoved.

it cannot become subject to a new master, without great detriment to the commerce of England. 1172.

Henry had not time to stay any longer in Ireland. He was in haste to go to Normandy, to meet the pope's legates, sent to examine into Becket's murder. Four whole months were spent in this matter. Though the legates had orders to give the king absolution, they took depositions to prove him guilty, in order to enhance the favour he was going to receive from his holiness. In short, after many difficulties and delays, he was permitted to clear himself by a solemn oath, that he neither commanded, nor consented to, Becket's assassination. He publicly declared, he was extremely sorry for being the occasion, by the words he had imprudently dropped, and was ready to undergo what penance the legates should enjoin. Upon this oath and declaration, he was absolved from his pretended crime, on terms denoting the pope's favour more than his innocence. To obtain this absolution, he bound himself, I. Never to oppose the pope's will, so long as he was used as a catholic prince. II. Not to hinder appeals to the holy see. III. To lead an army to the Holy Land against the infidels, and remain there at least three years successively. However, he was at liberty to send thither only two hundred men<sup>w</sup>, in case he chose rather to go in person against the Saracens in Spain. IV. To recal all that were banished on account of the late archbishop of Canterbury, and to restore to them their estates and revenues. V. Lastly, To abolish all laws and customs lately introduced to the prejudice of the church of Canterbury, or any other church in England. To these which were made publick, was added a secret article, whereby the king obliged himself to go barefoot to Becket's tomb, and receive discipline from the hands of the monks of St. Augustine. Thus ended this affair, which, notwithstanding Henry's steadiness in the beginning, turned at length to the pope's advantage, and carried his authority to a greater height than ever. Indeed, this instance was very proper to strike terror into all the sovereigns, being an evident demonstration, how dangerous it was to contradict the pleasure of the court of Rome. How just cause had they to fear so formidable a power, which had treated with such indignity one of the most potent princes in Europe<sup>x</sup>?

In

<sup>w</sup> He was to give the templars as much money as should be thought reasonable to maintain two hundred sol-

diers for one year. Rapin, by mistake, says, three hundred.

<sup>x</sup> The king of France in the mean-  
X 3 while

1173.

Roger elect-  
ed archbi-  
shop.  
Gervas.  
A great  
conspiracy  
against the  
king.  
Hoved.  
Higd.  
M. Paris.  
The authors  
and causes  
of it.

Brompt.  
p. 1151.

The queen  
puts Rosa-  
mond the  
king's mis-  
tress to  
death.

In the beginning of the year 1173, Roger abbot of Beo in Normandy, was chosen archbishop of Canterbury, after the see had been vacant a little above a twelvemonth <sup>1</sup>.

Henry imagined, after mastering so many difficulties, he should pass the residue of his days in peace, amidst the grandeur and glory he was encircled with. But he quickly found, there were other vexations, besides those in Becket's affair, capable of disturbing his felicity. During his absence, a conspiracy was formed against him, so much the more dangerous, as his queen, and his own sons were the authors. Besides, it was countenanced by some of the principal barons of the realm, and several foreign princes. Queen Eleanor was moved to it by her extreme jealousy, of which the king had given her but too just cause. Among his many mistresses, fair Rosamond, daughter of the lord Clifford, having the greatest ascendant over him, became the principal object of the queen's jealousy, who could not forbear threatening her. Henry fancied he had secured her from all attempts, by keeping her in a labyrinth built on purpose at Woodstock. But his great care proved all in vain. Whilst he was in Normandy, the queen taking advantage of his absence, found means to dispatch out of the way this hated rival that created her so much uneasiness <sup>2</sup>. After this deed, despairing of ever regaining the king's affection, she pursued her revenge, and encouraged her sons to revolt. Henry, his eldest son, a young prince of a very haughty temper, was weary of bearing the title of king

while taking it ill, and being very troublesome, because his daughter had not been crowned with her husband prince Henry, Rotrou archbishop of Roan, Giles bishop of Evreux, and Roger bishop of Worcester, were sent to England to perform that ceremony: they landed at Southampton about August 24, and the prince and princess were crowned on the Sunday following at Winchester. Gervas. R. Dicto saire, they were crowned August 21.

<sup>1</sup> But he refusing to accept of it, Richard, prior of Dover, was chosen in his room. Gervas.

<sup>2</sup> Tyrrel observes, that our historians are wholly silent as to the queen's getting at Rosamond; so that the story of her making her drink poison, has no better foundation than the old ballad made upon it. It is certain, she did not live long, though the time of her

death is not mentioned. But after all, unless Brompton's authority is of less weight than the old ballad, it is certain that Rosamond did not die in 1173, and that she was not poisoned by queen Eleanor. For Brompton expressly says, that after king Henry had imprisoned his queen Eleanor, he became an adulterer, and kept publicly, for a long while, Rosamond. She was buried in a church belonging to Godstow nunnery, near Oxford, where her epitaph, which Brompton says, was to be seen in his time, and is as follows:

Hic jacet in tumba, rosa mundi, non  
rosa munda;  
Non redolet, sed olet, quæ redolere solet.

There are no remains of the labyrinth at this day; but her monument has been lately repaired and beautified.

without



without the authority. Richard, naturally turbulent and restless, was tired with being under the discipline of the king, who indeed had made him earl of Poictou, but suffered him not to enjoy that favour. Geoffrey had still more cause to complain than his brothers. He saw himself deprived of the government of Bretagne, under the specious pretence of a guardianship, for which he thought he had no longer occasion. It was not difficult for these young princes to draw into the conspiracy several English barons, who hoped to enjoy more credit and authority under young Henry, than under his father. The king of France, ever jealous of Henry's flourishing condition, very readily engaged in the project of dethroning him. He was not satisfied with assisting the princes himself, but caused the earls of Flanders, Boulogne, and Blois, his vassals, (the last of whom was his brother-in-law) to enter into the league. William, king of Scotland, was prevailed with also to be concerned in an undertaking which might procure him an opportunity of recovering the dominions resigned by his brother Malcolm to England. This confederacy broke out on a sudden, when Henry least expected it. Normandy, Guienne, Bretagne, were attacked all at once by the arms of the confederates. The king of Scotland invaded Cumberland, and England was divided in two parties, one for the young king, and the other for his father. But before I descend to particulars, it will be necessary to see first what measures were taken by Henry's enemies to surprise him,

After the conquest of Ireland, Henry intending to go to Normandy, passed through England to take the king his son along with him, being entirely ignorant of the plots formed in his absence. Upon his arrival at Roan, he received a letter from the king of France, expressing an earnest desire to see his daughter and son-in-law, and entreating him to let them come and spend a few days at Paris. The young prince, having leave, forthwith repaired to the king his father-in-law, with whom he took measures that the confederates might all act at the same time. Mean while, as he deferred his return under divers pretences, Henry grew uneasy. Perhaps he had received some dark hints of what was contriving, or was apprehensive that by too long conversing with Lewis, ill impressions might be made upon the young prince. Be this as it will, he sent for him, and the young king durst not disobey, for fear of giving him a suspicion of the conspiracy, which it concerned him to keep secret. As soon as he came back, the king, with his son,

1173.  
Reasons of  
the discon-  
tents of the  
king's sons.

Brompt.

Henry the  
son visits the  
king of  
France, and  
concerts  
measures  
with him a-  
gainst his  
father.  
The king  
sends for  
him.  
Virg.  
Brompt.  
Gervas.  
R. Diceto.  
set Hoved.

1173.

Project of a marriage between prince John and the daughter of the earl of Maurienna, A. A. Pub. t. I. p. 33. R. Diceto. Hoved. Brompt. Gervase.

Falling out between the king and his eldest son. Brompt.

The king is suspicious of him.

Gervas. He withdraws to the king of France. Hoved. M. Paris. Eleanor sends away Richard and Geoffrey, for which she is imprisoned. Gervase.

set out for Montferrand, a small town in Auvergne, where he was to hold a conference with Hubert earl of Maurienna, Alphonfus earl of Arragon and Barcelona, Girard earl of Vienna, and Raymond earl of Tholouse. What business he had with these princes, except the earl of Maurienna, I know not. He was to treat with him about a marriage between John his fourth son, and Alice, Daughter of that earl. This affair was begun at Montferrand, but as it could not be ended there, Hubert accompanied the king to Limoges, where he pressed him to declare what he would do for the prince his son, on account of the marriage. Henry offered to settle on John the cities of Lodun, Chinon, and Mirebel, which the young king, who was present, opposed to the utmost of his power. He alledged, it was very strange, the king should assign an appennage to his youngest son, whilst he refused the same during his life, to the eldest, who bore the title of king without having wherewithal to support the dignity. This opposition created a great coldness between the father and son, which was farther increased by the young king's demanding Normandy, of his father<sup>a</sup>, till he should come to the crown of England. His aim in this demand was only to find a pretence of complaint, in order to open the scene concerted with the king of France.

Henry began from that time to suspect his son. As he did not question but he had suffered himself to be corrupted by the king of France, he caused him to be so narrowly watched, that it was easy to see he was afraid of his getting away. On the other hand, the young prince, dreading the consequences if the king came to discover his designs, resolved to prevent the danger. What care soever the father might take, he could not hinder his son from privately withdrawing to the king of France<sup>b</sup>. This entirely confirmed the old king in his suspicions. But, he was still ignorant what his son's design might be. As soon as the queen, who resided at London, had intelligence of her son's arrival at Paris, she sent thither likewise Richard and Geoffrey, before Henry had time to give orders about them. Thus the old king saw himself forsaken on a sudden by his own family, without knowing yet what all these proceedings would tend to. His wrath, which he could not then vent

<sup>a</sup> Brompton says, the king of France advised him to demand, either all England, or all Normandy, which he accordingly did; or else Anjou at least.

<sup>b</sup> He went first to Alençon, and the next day to Argenton. King Henry

his father sent to the court of France to demand him, but received a very rough answer. In the mean time he fortified his castles upon the frontiers, and provided them with all necessaries. Brompt. p. 1083.

upon his sons, fell upon the queen, whom he caused to be closely confined; but reaped no other benefit from thence, but the pleasure of being revenged. Quickly after, the confederate princes attacking him in several places, he stood in need of all his resolution to bear so many vexations, and of all his prudence to oppose so many enemies. Richard repaired to Guienne, where he caused the greatest part of the country to rebel. Geoffrey, raising an insurrection in Bretagne, put himself at the head of it, with design to wrest from his father the government of that dukedom. Normandy was attacked by the king of France, assisted by the earls of Flanders, Boulogne, and Blois. The king of Scotland made an irruption into the northern parts of England. The earl of Leicester<sup>d</sup> landed at Southampton<sup>e</sup> an army levied in France, in expectation of a general revolt of the English against the king. Thus Henry saw, in all his dominions, hostile armies, against whom he was wholly unprepared.

1173.

The king is  
attacked in  
several  
places.  
Brompt.

R. Diceto.  
Gervas.  
Brompt.  
M. Paris.  
Howed.

Mean while young Henry, who continued at Paris, acted as if he had been sole king of England. He received the homage of the vassals, made grants and donations of the crown-lands<sup>f</sup>; assigned pensions out of the publick revenues, and had his seal apart, as if the king his father had no more right to intermeddle in the government of his kingdom. He would not keep a single person about him that did not swear fealty to him, independent of that due to the old king. The young prince thought he had taken such sure measures, that he looked upon his father's ruin as infallible. The king of France, willing to cherish this belief, affected continually to throw out satirical jests against old Henry, and would hardly bear he should be called king in his presence. The truth is, the ruin of that mo-

Henry the  
son acts as  
sole king.  
Walsing.  
M. Paris.  
Howed.  
Brompt.  
Gervase.

<sup>c</sup> Because king Henry refused to grant him what his predecessors had enjoyed in England. Diceto.

<sup>d</sup> The rest of the conspirators in England, were, Robert earl of Ferrers, Hugh Bigod earl of Norfolk, Hugh earl of Chester, Roger de Mowbray, Thomas de Muscamp, Robert de Lund, Richard de Morville, Gervase Paynell, &c. who held out some castles against him. Brompt. The earl of Leicester was joined by Hugh Bigod; they took Norwich, burnt Hageneth castle, &c. but the earl going to Leicester was defeated. Diceto.

<sup>e</sup> At Walton in Suffolk, September

28, says Diceto.

<sup>f</sup> To William king of Scotland he granted all Northumberland, as far as the Tyne; to his brother the earldom of Huntingdon and Cambridgeshire; to Hugh Bigod the castle of Norwich; to Philip earl of Flanders, a thousand pounds a year in England, and all Kent, with the castle of Dover and Rochester; to Matthew earl of Boulogne, the foke of Kirketon in Lincolnshire, with the earldom of Mortagne, and honour of Haie; to Theobald earl of Blois, two hundred pounds in Anjou, and the castle of Amboise. Howed.

march

1173.

The old king  
defends him-  
self vigo-  
rously and  
successfully.  
Diceto.

Brompton.  
Diceto.  
Hoved.

The earl of  
Leicester de-  
feated and  
taken pri-  
soner.  
The king of  
Scotland  
made pri-  
soner.  
Gervase.  
Hoved.  
Diceto.  
Mat. Paris.

Henry's  
great suc-  
cess in  
France.  
Brompt.  
R. Diceto.

narch seemed to be at hand, since he had so many enemies to deal with at once. But if he had shown some want of resolution in his quarrel with the pope, it was otherwise on this occasion. Never did his virtues shine with more lustre, than when he saw himself reduced to extremity. Animated with fresh courage at the sight of the impending danger, he managed his affairs with so much firmness, prudence, and foresight, that in spite of the obstacles which started up incessantly, and from all quarters, he obtained in the end a glorious advantage over all his enemies. The king of France was obliged to abandon Verneuil <sup>s</sup>, which cost him a long siege. An army of Brabançons, sent by Henry into Bretagne <sup>h</sup>, vanquished the rebels, upon which they returned to their duty. The earl of Leicester was defeated in England, and taken prisoner by Humphrey Bohun general of the English army, who took the opportunity of a truce made with the king of Scotland, to give the earl battle <sup>i</sup>. As soon as the truce was expired, William renewed his ravages in Northumberland. But whilst he was intent upon the plunder, he unfortunately, or rather imprudently, suffered himself to be surprised by the English general, who routed his army, and took him prisoner <sup>k</sup>. The Scots pretend this was during the truce, but the English affirm, it was after the expiration. However it be, the king being fallen into the hands of the English, was carried first to Richmond castle, and from thence conveyed into Normandy <sup>l</sup>.

Whilst the arms of Henry were thus crowned with success in England, he was employed in France in subduing the revolted cities and provinces. Though he could not be every where, he ordered it so, that in a few months, either by himself or by his generals, he became master of the principal places in Guienne, Saintonge, Anjou, Poictou, and Bretagne. These successes quite broke the measures of his enemies, and entirely dissipated the fears he was justly seized with in the beginning of the war <sup>m</sup>.

<sup>s</sup> The English were preparing to engage the French army, but Lewis set Verneuil on fire, and cowardly ran away. The English generals were William de Albiney earl of Arundel, and William earl of Mandeville. And the commanding officers in Verneuil, were, Hugh de Lacy, and Hugh de Beauchamp. Brompt. Hoved.

<sup>h</sup> Above ten thousand. Brompt. p. 136. The earl of Chester, Ralph lord of Fougeret, Ralph de Faia, &c. were then taken prisoners. R. Diceto.

The Bretons were defeated, Aug. 19. Brompt.

<sup>i</sup> This battle was fought towards the end of September, at Fornam, near St. Edmundsbury in Suffolk: above ten thousand Flemings were slain. Brompt. Hoved.

<sup>k</sup> At Alnwick in Northumberland, July 13. Brompt.

<sup>l</sup> And imprisoned at Falaise, with the earl of Leicester. Brompt.

<sup>m</sup> Philip earl of Flanders had sworn on the gospels, that he would, within

Mean

Mean time, the king his son, perceiving him embarrassed in France, took that opportunity of raising an army of Frenchmen and Flemings. As soon as the troops were ready for action, he put himself at their head, and marched towards Graveling, where he designed to embark. His project was to pass into England, and join the king of Scotland and earl of Leicester, who were not yet defeated. Could he have crossed the sea at that juncture, he would undoubtedly have been master of England. But the wind remained so long contrary, that he could not execute this project. Whilst he was waiting in vain for a favourable gale, his father had time to restore his affairs in France, after which he embarked at Barfleur, and safely arrived in England. From Southampton, where he landed, he proceeded directly to Canterbury, to do penance at Becket's tomb, to which he had obliged himself upon receiving absolution. When he came in sight of the town, he alighted, though he was yet three miles distant, and pulling off his boots, walked barefoot in extreme pain, to the sacred tomb. There, after resting a while, he submitted to the shameful penance enjoined him. He was scourged by the hands of the prior and monks of St. Augustine's, and spent the night in prayer in the cathedral, lying on the cold pavement. On the morrow, after assisting at a solemn procession round the tomb, he departed for London \*. Care was taken, in order to magnify this new saint's credit in the celestial court, to remark, that Henry was indebted for the victory obtained by his arms over the king of Scotland, to the intercession of the blessed St. Thomas †. It was further affirmed, the king himself was so persuaded of it, that he publicly returned him thanks, thereby acknowledging he did not in the least question his sanctity.

After Leicester's and the king of Scotland's defeat, the young king's party, not daring to keep the field, retired to their strong holds and castles. The king's impatience to see them entirely reduced, suffered him not to make any stay at

a fortnight after midsummer, subdue England for Henry the son, and accordingly sent over three hundred and eighteen choice men, who besieged Norwich. Diceto.

\* Receiving from each three or five lances. Diceto. M. Paris.

o And gave forty pounds a year, for finding perpetual lights round Becket's tomb. Diceto.

† It happened, that every day the king left Canterbury, being the 13th of July, the king of Scotland was taken prisoner, which the Monks imputed to the merits of Becket. And the same day also, his son Henry's ships, where-with he intended to pass into England, were dispersed by a storm. R. Diceto.

1173.  
Contrary Winds prevent the young king from leading an army into England. Brompt. R. Diceto.

The old king arrives in England, and does penance at Becket's Tomb. Hoved. Gervas. Brompt. Diceto. He is scourged by the monks. Diceto. Hoved. Walt. de Fleming. Gervais.

He reduces all the rebels in England. Brompt. Diceto. Hoved. M. Paris.

London.

1173.

Lewis be-  
sieged Roan.  
Brompt.  
Gervas.  
Moved.

Henry forces  
him to raise  
the siege.  
Diceto.

Moved.

Henry's pro-  
sperous state.

1174.

Richard in  
vain opposes  
the making  
peace.  
Moved.  
Gervas.

A truce be-  
tween the  
two kings.  
Diceto.  
Moved.

London. A few days after his arrival, he marched with his army to besiege the castles, still in the hands of his son's adherents. But the greatest part surrendered upon his approach, and the rest held out but a few days. Mean time, the king of France despairing of assistance from England, after the defeat of the confederates, recalled his troops from Graveling, and laid siege to Roan. He hoped to be master of the city before Henry could come to its relief. But the brave resistance of the inhabitants baffled his designs. Upon the first notice of the siege, Henry put to sea with a good body of troops, and was so expeditious, that he arrived in Normandy before Lewis had made any progress. His sudden coming struck such a terror into his enemy, that he raised the siege, and retreated in the utmost confusion, leaving all his baggage behind him. Some say, he could not retire but by means of a treaty, of which he afterwards made no account.

Henry's affairs were then in a more flourishing condition than ever. Absolute master in England, he beheld Scotland disheartened by the imprisonment of her king. Ireland continued in obedience. The Welsh remained quiet within their own bounds. Normandy, Guianne, and the other provinces beyond sea, were entirely reduced, except a few castles in Poictou still in possession of prince Richard. No wonder therefore Lewis, now above sixty years of age, despaired of accomplishing what he had projected in the beginning of the war. He found the confederacy, which he thought capable of pulling down Henry, had rather fixed him more firmly in his throne. On the other hand, he was apprehensive in case he died during the war, Philip his son, who was but ten years of age, would be much embarrassed to maintain it. These considerations inspired him with a desire of peace, to which Henry was equally inclined. He ardently wished to deprive his sons of their only refuge, the protection of France. Richard, his second son, a prince of a fierce and restless temper, was the only person that opposed the wished-for peace. But neither his brothers, nor the king of France, thought proper to continue the war for his sake. They consented therefore to a truce, during which they obliged themselves to give him no assistance. Henry his father improved this juncture to reduce his ob-

† Hugh Bigod paid the king a thousand marks, and was pardoned; as were also Robert earl of Ferrers,

Roger de Mowbray, William earl of Gloucester, Richard earl of Clare, &c. Diceto, p. 578.

stinate

finite son to obedience, who, at last, seeing himself destitute of support, came and threw himself at his feet, humbly imploring his pardon. He met with a better reception than he expected, and attended his father to the place chosen by the two monarchs to treat in person of the terms of peace. As they both stood affected, it was not difficult to settle the articles. Henry granted a general pardon to all the revolters, without any exception. The young king, his eldest son, promised to be obedient for the future, and to let prince John his brother enjoy the appennage granted him. Geoffrey and Richard were, or pretended to be, satisfied with what the king their father allotted them. In fine, the king of France promised to surrender to Henry, what castles he had taken in the beginning of the war. To strengthen the reconciliation between the two kings, a marriage was resolved upon between Richard and Alice, daughter of Lewis. The princess, who was very young, was delivered to Henry the father, to be educated in England till she was marriageable. But he abused this Trust, as will be seen in the sequel.

1174.  
followed by  
a peace.  
Act. Pub.  
t. 1. p. 37.  
Hoved.  
Brompton.  
Diceto.  
M. Paris.  
Act. Pub.  
t. 1. p. 53.

It was further agreed by this treaty, that all the prisoners on both sides should be released. But in order to exclude the king of Scotland, Henry inserted a clause importing that those whose ransoms were already treated of, were not to have the benefit of this article. William was of this number, and perhaps the only one among all the prisoners. His impatience to be at liberty caused him to submit to very hard terms. He was to make restitution of all he had taken from England, and do homage for his kingdom to that crown. Upon his swearing to perform these engagements, he was released. As soon as Henry had settled all his affairs in France, he came to York, attended by

The king of  
Scotland is  
released upon  
hard Terms.  
Act. Pub.  
t. 1. p. 39.  
Diceto.  
Pol. Virg.  
Brompt.  
Hoved.

<sup>1</sup> In 1177, a legate came from Rome, to lay England under an interdict, unless king Henry would let them marry: upon which they came to terms of agreement. Gervas.

<sup>2</sup> King Henry the father, set nine hundred and sixty nine at liberty, without ransom; but the son made all his prisoners pay. Diceto.

<sup>3</sup> King Henry having kept his court, during Christmas at Argenton, went into Anjou; and February 24, had a conference with Lewis at Gisors; from whence Henry, going into Anjou, fortified his castles, leaving his son at

Roan. After Mid-lent, he returned to Caen, and sent to his son, who was still at Roan, orders to come along with him to England, but he refused. This he did through the persuasion of the king of France, but at last his father's kind messages melted his heart into a compliance, and young Henry came and did his father homage: after which king Henry the son had, with his father's permission, a conference with the king of France. They spent their Easter at Cherbourg, and after that, had an interview at Caen, with Philip earl of Flanders, to whom they

con-

1174.  
He does homage to both the Henries for Scotland.  
Hoved.  
Brompt.

He delivers up several castles.

Henry the son goes to France.  
M. Paris,  
p. 136.

1175.  
Henry confirms the laws of St. Edward.  
M. Paris,  
Brompt.  
p. 1108.

by the king his son, and a numerous train of nobility. Here in the presence of the barons of both realms, William did homage to the two kings of England for the kingdom of Scotland in general, and for the county of Galloway in particular. This homage was confirmed by the solemn oaths of the barons of Scotland, that in case their king should recede from what he had done, they would withdraw their obedience, and consent the kingdom of Scotland should be put under an interdict. But as Henry did not wholly rely on these engagements, William, for his further security, put into his hands the castles of Roxborough, Berwick, Sterling, and Edinburgh. This affair being ended, the young king went back to France, where he remained three years; laying out his time in improving himself in all the exercises of the body and mind proper for a prince.

Peace being restored to England, where it had long been a stranger, Henry took this opportunity to enact new laws<sup>a</sup>, and revive others that were neglected. Generally the laws which are for the advantage of the sovereigns are very strictly observed, because they themselves see it done; but they are too frequently apt to neglect those that are beneficial to the people. By this means they continually enlarge their authority, but then it is often the cause of rebellions, which sometimes are more prejudicial to kings, than the laws they neglect or evade. Henry lately experienced, in a sensible manner, how dangerous it is to deal with a discontented nation. Moreover, his three sons, who had known how to avail themselves of the public discontent, were still full of life, and in appearance, not much altered by his late peace with them. He thought therefore in order to prevent them from engaging in a fresh rebellion, it was his interest to gain the people's affection by reviving the laws of Edward the confessor. As the laws were very advantageous for the subject, in comparison of those of the Norman kings, which tended solely to the augmenting the revenues of the prince, and stretching the royal prerogative, both nobles and people had long wished for their revival. They had even used some endeavours in the foregoing reigns to restore them but with little success. Nothing therefore could be more grateful to the English, than to see them in force. But this con-

confirmed a grant of one thousand marks out of the exchequer. And then embarking at Barfleur, they landed at Portsmouth, May 9. Brompt.

<sup>a</sup> He called a parliament at Northampton, and renewed the constitutions of Clarendon, Gervas.



descension of the king was a mere flourish, consisting only of some publick orders, which were never executed.

1175.

About this time also Henry divided England into six parts or districts, which were assigned to so many judges<sup>w</sup>, who were to go, at certain times, and hold the assizes, that is, to minister justice to the people. This is what is still practised at this day. At certain seasons of the year<sup>x</sup>, the chancellor sends the judges into the several counties to do justice, each in his own circuit, for so the counties assigned to him are called.

1176.

Restitution  
of the itine-  
rant judges.  
Hoved.  
p. 548.  
Diceto.  
p. 588.

Henry made use likewise of these peaceable times, to demolish all the fortified castles still remaining in private hands, which were a great check to the power of the sovereign<sup>y</sup>.

The king  
razes the  
castles.  
Brompt.  
Diceto.

Whilst the king was employed in these publick affairs, the princess Joanna his daughter was demanded in marriage<sup>z</sup> by William the good, king of Sicily. This match seeming advantageous for his daughter, he dispatched ambassadors to Sicily to settle the articles; after which, he sent away the young queen with a splendid retinue.

The prince<sup>z</sup>  
Joanna is  
married to  
the king of  
Sicily.  
Act. Pub.  
t. I. p. 52.  
Hoved.  
Brompt.

Prince John, his fourth son, who, of all his children, was his greatest favourite, being arrived at the age of eleven years, he resolved to erect Ireland into a kingdom, on purpose to bestow it on his darling son<sup>a</sup>. As the pope's consent was necessary, he sent ambassadors to Rome to negotiate the affair. But how impatient soever he might be, it could not be accomplished till some years after, when it was no longer in his power to make use of the pope's favour.

He has a  
mind to erect  
Ireland into  
a kingdom  
for prince  
John.  
Brompt.  
Hoved.

About this time, the king of France perceiving himself broken with age, formed the design of crowning his son Philip, according to the custom of his predecessors. But a vio-

1177.

<sup>w</sup> Hoveden says, three judges to each circuit; his words are these: *Justiciarii itinerantes constituti per Henricum secundum, qui divisit regnum suum in sex partes, per quarum singulas tres justiciarios itinerantes constituit, &c.* p. 548. Diceto's account is yet more particular, *Rex, juxta consilium filii sui regis, coram episcopis, comitibus, baronibus, militibus, & aliis hominibus suis in hoc consentientibus constituit justiciarios in sex partibus regni sui in unaquaque tres.* Diceto. See a list of the districts, and the judges appointed in each, in Hoved. p. 548.

<sup>x</sup> Rapin says, in term time, which is a mistake, for it is not in term time, but immediately after after Hilary-term,

and Trinity-term, that the twelve judges go the circuit, two by two; whence the assizes, which are held but twice a year, are called *Lent assizes*, and summer assizes.

<sup>y</sup> He seized afterwards those that were not demolished now, and garrisoned them with his own soldiers. Diceto.

<sup>z</sup> King Henry assembled a parliament, to consult them about the proposed match. Brompt. See the marriage articles in Gervase, p. 1436, 1437.

<sup>a</sup> And also William, son of Robert, earl of Gloucester, appointed prince John his heir, and promised to give him his daughter Avisa in marriage. Brompt.

**1177.** *lent distemper, which seized the young prince, obstructed his project, and made him almost despair of his life. Lewis was so affected with his son's danger, that he went in pilgrimage to Becket's tomb<sup>b</sup>, to obtain that saint's intercession for the prince's recovery. Henry met him at Dover, and conducted him to Canterbury, where they both offered up their prayers. When Lewis left the city, he gave considerable presents to the church, where the saint lay interred<sup>c</sup>.*

**1179.** *I have slightly passed over the occurrences of these last years, as seeming to me of little consequence to foreigners. However the English reader might meet, in this interval, with things worth his notice. For instance, the assize of Northampton<sup>d</sup> make a very considerable article. This was a revival of the constitutions of Clarendon, except those that concerned the clergy, from whence sprung the contest between the king and Becket<sup>e</sup>. We find also, during this time, Henry make several regulations for the administration of justice, and government of the state, which may be of use to the English, but doubtless are of little moment to foreigners. Wherefore I think it needless to descend to particulars. However, I must not omit one event, which greatly redounds to the glory of this monarch.*

*The kings of Castile and Navarre make Henry arbitrator of their differences. Hoved. p. 561, &c.*

*Alphonso, king of Castile<sup>f</sup>, and Sanctio, king of Navarre, having great contests about certain castles and territories, sent ambassadors to Henry to entreat him to be their umpire, promising to stand to his sentence. So great a trust redounding very much to that prince's honour, he thought himself obliged to use all possible care to give content to both parties, or at least to avoid the imputation of pronouncing*

*Gervase.  
Brompt.  
Diceto.*

<sup>b</sup> Hoveden says, he was advised in a dream so to do. p. 592. He came to England, August 22d. Brompt.

<sup>c</sup> He offered at Becket's tomb a massy cup of pure gold, and gave to the monks one hundred Modii. i. e. seven thousand two hundred gallons of wine yearly, and freed them from all toll or custom, for whatever they should buy in his kingdom. All which he confirmed by a charter under his seal. Hoved. Brompt.

<sup>d</sup> This was a great council or parliament; and, according to Brompton, was twice held; first in 1176, June 29, and secondly, in 1177, about January 14. Brompt.

<sup>e</sup> In this great council at Northampton, king Henry restored Robert, earl

of Leicester, to all his estates in England, and in his French dominions, except the castles of Mounforell, and Pasci: the like he did to Hugh earl of Chester; and to William de Albiney, he gave the earldom of Suffex. Hoved. At the same council likewise, Rees ap Griffin, king of South Wales, David ap Owen, king of North Wales, Cadwalan, prince of Delnain, Owen de Kevilian, Griffin de Brimfield, and Madioc ap Gervetrog, and other noblemen of Wales, came and did homage, and swore fealty to king Henry; who then gave Rees ap Griffin, Merionethshire, and David ap Owen, Elmshire. Hoved.

<sup>f</sup> Who had married Eleanor, king Henry's daughter, 1176. Hoved.

an unjust sentence. To that end, he convened at London, all the barons and judges of the realm <sup>g</sup>, to have their advice. The affair being maturely examined, he passed a judgment in which both kings thought proper to acquiesce<sup>h</sup>.

There is, in the collection of the publick acts, an agreement between Lewis and Henry, to go together to the Holy Land. But as this record is without date, there is no fixing the precise time<sup>i</sup>. Very probably it was made whilst Lewis was at Canterbury. The death of that prince, which happened in 1180, prevented their intended expedition. Philip his son, who was afterwards surnamed the August, mounted the throne of France.

Pope Alexander III. departed this life also in the year 1181, and was succeeded by Lucius III. <sup>k</sup>

Whatever appearance of tranquillity there was then in the court of England, ambition, lust, jealousy, in a word, all the passions that raise the strongest emotions in the heart of man, exercised their empire over the whole royal family. Young Henry was highly displeased to have the title of king without the power. The king, his father, who had all his life been a slave to his lust, had not lost his amorous inclinations, though he was in his fiftieth year. He was fallen in love with Alice of France, designed for his son Richard, and most historians intimate, the young prince's was too condescend-

1180.

Act. Pub.  
t. 1. p. 50.  
Brompt.

Diceto.  
Lewis dies,  
and is suc-  
ceeded by his  
son Philip.  
Brompt.  
Hoved.

1181.

Lucius made  
pope.  
M. Paris.  
The state of  
the court of  
England.

Brompt.  
p. 1151.

Hoved.

<sup>g</sup> That is, he convened at Westminster, the first Sunday in Lent, a great council or parliament; or, as Brompton has it, the archbishops, bishops, abbots, deans, archdeacons, earls, barons, and great men of England. Brompt. Hoved.

<sup>h</sup> You have the particulars of this controversy, and the king's judgment, in the collection of publick acts. Tom. I. 42—50. Rapin.—In 1179. Richard de Lucy, resigned his place of justicier of England; upon which, king Henry, calling a great council at Windsor, divided England in four parts or circuits, and appointed five persons to administer justice in each district, whose names see in Hoved. p. 590, 591. But the next year Ranulph de Glanville was made justicier. Hoved.—August 27; 1179: King Henry called to an account the viccomites, or sheriffs. Diceto;

<sup>i</sup> Brompton says, it was made September 21, 1178, at Roan.

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<sup>k</sup> This year king Henry, the father, went over into Normandy, where he kept his Easter, and returned to England, July 25. Diceto. After his return, he sent his justiciaries throughout England, ordering both rich and poor to provide themselves with arms, at their own charge. His regulations about this matter were as follow: 1. Who-soever hath a knight's fee, shall have a coat of mail, an helmet, a shield, and a lance; and every knight shall have so many coats of mail, helmets, shields, and lances, as he hath knights fees. 2. Every free layman, that hath in goods or rent, to the value of sixteen marks, shall have a coat of mail, an helmet, a shield, and a lance. 3. Every free layman, that hath in goods ten marks, shall have an iron gorget, an iron cap, and a lance. 4. All burgesses, and the whole community of freemen, shall have a wambais, (i. e. a horseman's coat) a cap of iron, and a lance, &c. See Hovedea.

Y

ing.

1181.

ing. Richard demanded leave to consummate his marriage<sup>1</sup>, but more to have a pretence to complain, than from a desire to espouse a princess suspected by all the world of a criminal commerce with her future father-in-law. Geoffrey being now in his four and twentieth year, was tired with being under the guardianship of the king his father, who, on the specious pretence of protection, with-held Bretagne from him. John was still more displeased to have nothing settled upon him, whilst his brothers were so well provided for. However, as the king showed a great affection for him, it was very probable, before his death he would provide for a son he so tenderly loved. Queen Eleanor was still a prisoner, notwithstanding the intercession of her sons for her release.

Henry sows  
dissention  
among his  
sons.  
Gervas.  
Diceto.  
Hoved.  
M. Paris.

Henry was not ignorant of the sentiments of his three eldest sons. Though he carefully concealed his fears, he was apprehensive, that another conspiracy, like the former, would rob him of the crown in his old age. To screen himself from their practices, he believed the best way would be, to sow dissention among them, lest their union should one day prove fatal to him. For that purpose, he hinted to his eldest son, that his brothers ought to do him homage for the dominions they possessed, or at least, bore the titles of. The young king gladly embraced this proposal, and resolved to demand homage of his brothers. But they were by no means disposed to comply. Richard affirmed, the duchy of Guienne, which was to be his portion, was not a fief of the crown of England, and in that he was very right. Geoffrey had not altogether the same reason to be excused, since he knew, the duchy of Bretagne held of Normandy. But it was necessary the king should resign Normandy to his eldest son, otherwise he could have no right to demand homage. Mean time, the father had no intention, to divest himself of that duchy before his death, in favour of a son, whose ambition was too well known to him. And therefore, Geoffrey eluded his brother's demand. He feigned however to remain respectfully attached to the king his father, though he privately held with his brother Richard, whose case was the same. Young

<sup>1</sup> In 1177, a pope's legate threatened to lay all Henry's dominions under an interdict, unless he would let his son Richard marry Alice: whereupon Henry went over into Normandy, and had a conference, September 21, at Ivry, with the king of France; and required him to deliver to his son Rich-

ard, the town of Berry, &c. according to the articles of marriage; and to his son Henry le Vexin François, as had been stipulated between them; but Lewis refused, and Henry said, his son Richard should not marry Alice. However the two kings entered into a treaty of peace, which see in Hoveden, p. 570.

Henry,

Henry, whom the king, his father, had politically engaged in this dispute, soon discovered his motive. However, he used a profound dissimulation. Whilst he pretended to be incensed with his brothers, he took private measures with them to bereave the king of the supreme power, which he had long wished to be invested with. But God permitted him not to pursue the execution of his unjust design<sup>m</sup>. A distemper which took him out of the world<sup>n</sup>, in the 28th year of his age, freed the king his father from the impending danger. The young prince was now gone to Guienne, with design to excite the Gascons to revolt, when he was seized with a slow fever, which constrained him to remain in the castle of Martel, in Quercy. As soon as he perceived his illness grew dangerous, and that probably he should never recover, he expressed great concern for all he had done or projected against his father. He even desired to see him, to give him proofs of his repentance. Before he died, he had the satisfaction of receiving a ring sent him by the king, in token of his pardon. If historians have not aggravated the prince's repentance, it appears to have been very sincere. He shed abundance of tears upon receiving the ring, and finding himself at the point of death, caused himself to be laid on a bed strewed with ashes, habited in sackcloth, with a cord about his neck, and in that posture gave up the ghost<sup>o</sup>. The father's tenderness was raised when he heard of his son's death. Though he had no reason to be pleased with him, he showed an extreme concern for his loss. But in all appearance, he was soon comforted.

This young prince was certainly endowed with excellent qualities, perhaps he would have behaved more to his father's satisfaction, had he been less indulged in his childhood. The king's extraordinary fondness, no doubt, helped to spoil him; or, on the other hand, the restraint he was under, after his coronation, caused him to consider his father as an enemy. And this led him into sundry plots to dethrone him, till at length death made him see things in another light. Margaret of France, his wife, by whom he had a son, who died

1181.

Walsing.

1183.

Death of  
king Henry  
the son.  
Hoved.  
p. 620.  
Brompt.  
Diceto.  
M. Paris.

<sup>m</sup> King Henry convened about this time a great council, or parliament, at Bishop's Waltham, near Winchester, and in their presence, and with their approbation, granted money for the crusade, viz. forty two thousand marks of silver, and five hundred of gold; and

then, March the 3d, 1183, went over from Portsmouth to Normandy. Diceto.

<sup>n</sup> June 11, in 1183. Gervas.

<sup>o</sup> He was buried at first in the church of St. Julian, at Mans, but afterwards removed into the cathedral of Roan. Diceto.

1183. an infant, was sent home to king Philip her brother, who married her some time after to Bela, king of Hungary.

1184. The death of young Henry put a stop for a while to the troubles that were going to disturb the royal family. Richard, though naturally impetuous, remained some time in quiet, to see how the king would behave to him since he was become his heir apparent.

Hoved.

The patriarch of Jerusalem comes and demands the king's aid.

Brompt.

Diceto.

Gervase.

Hoved.

M. Paris.

During this tranquillity arrived at court, Heraclitus, patriarch of Jerusalem, who was come to entreat the king's aid in behalf of the christians of the Holy Land. He presented to him the keys of the holy sepulchre, and tower of David, in token of their desire of having him for their sovereign, as being grandson to Fulk of Anjou, king of Jerusalem. Before an answer was given to the patriarch, Henry convened an assembly of the barons at Clerkenwell, near London, where that prelate described with tears in his eyes, the calamities the christians of Palestine groaned under. After that, he endeavoured to persuade the king, he had an undoubted right to the crown of Jerusalem. But this compliment was too gross, since it was notorious that Fulk, grandfather to Henry, wore that crown in right of his second wife, whereas Geoffrey, father to Henry, was born of the first. To this harangue, the patriarch added a letter from the pope, addressed to all christian princes, to exhort them to assist their brethren in Palestine. Henry, asking the opinion of his barons upon the patriarch's proposals, was told, it was judged, that he ought not to venture his person in an expedition of that nature, but that a supply of money would suffice. The king followed their advice, and furnishing the patriarch with a considerable sum<sup>p</sup>, contented himself with giving his subjects leave to take the cross, without embarking himself in the enterprize. Pursuant to the king's permission, the archbishop of Canterbury<sup>q</sup>, several earls, barons, knights, with multitudes of a lower rank, prepared for the voyage. But the patriarch willing to make his court to the king, told him, when he took his leave, that he should have preferred his single person before all the English that were engaged in the crusade<sup>r</sup>.

The king furnishes him with money.

M. Paris.

Gervase.

Abundance of people undertake the crusade.

Hoved.

The

<sup>p</sup> Fifty thousand marks of silver, Gervas.

<sup>q</sup> Ranulph, the justicier, the archbishop of Roan, bishop of Durham, &c. Hoved.

<sup>r</sup> Brompton says, that the patriarch gave the king very hard words, when

he went with him to the sea side; and upon the king's still excusing himself from going to the Holy Land, because his sons would rebel against him in his absence; the patriarch in great anger replied, and no wonder, for from the devil they came, and to the devil they would

The pope was not pleased with Henry's refusing to take the cross. Nay, he showed his resentment by denying him, in his turn, certain requests, which he would have granted, had he not been dissatisfied. However, not to discourage him entirely, he gave him leave to crown his youngest son prince John, king of Ireland, to whom he sent, for that purpose, a crown of peacock's feathers interwoven with gold. In granting this favour, he expressly reserved a penny from every house in Ireland yearly, and several other advantages, procuring in exchange for his leave, which cost him nothing, a considerable addition to his revenues. As soon as the king received the pope's answer, he knighted prince John, and sent him governor into Ireland, not daring to have him crowned there, lest Richard should make it a pretence to ask the same favour in England. John was very well received in the island, where he was considered as the future sovereign. But suffering himself to be guided by the advice of some young persons that attended him thither, he so alienated the hearts of the Irish, that the king was forced at length to recall him.

1185.  
The pope sends a crown to prince John. Hoved.

John made governor of Ireland. Gervase. Brompt. Hoved. M. Paris.

Pope Lucius III. dying this year, Urban III. his successor, appointed the archbishop of Canterbury his legate in England. Baldwin, a Cistercian monk, was then archbishop, having succeeded Richard, who died in 1184.

He is recalled. Gir. Camd.

The affairs of Ireland created the king little uneasiness, in comparison of that caused by the violent temper of his son Richard. This young prince having lain quiet ever since his elder brother's death, was at length weary of a state so little agreeable to his humour. He had been in Guienne, where he had taken upon him to rule with an absolute authority, without any regard to the orders of the king his father. In this he was supported by the Gascons themselves, who chose much rather to have a sovereign of their own than depend on the crown of England. After Richard had laboured some time to gain that province to his interests, he went into Poictou, and drawing some troops together, made war upon the Bretons, who had disobliged him. Geoffrey, his brother, who was then in Bretagne, surprised at this unexpected attack, speedily levied a small army, and gave him battle. But as his forces were inferior in number, he was easily defeated. Richard would have pursued his undertak-

Urban III. pope, and Baldwin archbishop. Gervase. Richard raises troubles in Guienne. Gervase. Hoved.

1186.  
He makes war with the Bretons. Hoved.

would go. This he said, reflecting on an old story of a certain countess of Anjou, the king's great grandmother, who, being reckoned a witch, was said to

have flown out of a window, while she was at mass against her will, and was never seen afterwards. Brompt. p. 1145.

1186.  
Henry pre-  
pares to  
chastise him.  
Hoved.

Richard  
submits.

Death of  
Geoffrey  
duke of  
Bretagne.  
Gervase.  
Brompt.  
M. Paris.

The affairs  
of Bretagne.  
Argentre.  
Gervase.  
Hoved.

ing, if the dread of his father, who was preparing to come and chastise him, had not obliged him to retire into Poictou, where he pretended to stand upon his defence. In the mean time, Henry, knowing his son's temper, which could not be tamed but by force, had prepared an army sufficient to destroy all his hopes of resistance. But before he proceeded to extremities, he sent him word, it was his absolute command that he should not concern himself any more with the affairs of Guienne, which he could not enjoy till after the death of the queen his mother, and, upon that condition, would leave him in possession of Poictu. If he refused to obey, he would not only compel him to it, but likewise disinheret him of the crown of England. Richard, terrified at these threats, and the king's great preparations, thought fit to comply with his will. But as this submission was forced, he was uneasy in his mind, the effects of which soon became visible. The example of William the conqueror, who preferred his second before his eldest son, seemed to authorize the king thus to threaten Richard. Accordingly the young prince could not forbear being concerned, in a dread of being supplanted by one of his brothers. This consideration made him keep fair with his father, and endeavour to curb his natural impetuosity. But he was freed in part from his fears by the death of his brother Geoffry, at Paris, where he was gone to assist at a tournament \*. This prince, who had a daughter called Eleanor †, left Constance of Bretagne his wife big with child, who was quickly after delivered of a son named Arthur ‡.

Henry was very desirous of having the guardianship of these infants, for a pretence to keep Bretagne. With this view he took a journey thither, in expectation of obtaining the consent of the states. But Constance, his daughter-in-law, strongly opposed it. She affirmed, that, being mother of the children, it belonged to her to take care of their education. Moreover, she maintained, they had no claim to any thing till after her death, since their father was duke of Bretagne only in her right. But Henry, as grandfather, pretended to have an unquestionable title to the guardianship of his grandchildren. The states of Bretagne, who were more afraid of

\* Our historians say, that being slung from his horse, he was unfortunately trampled to death before he could be taken up. But the French writers, who should know best, tell us he died of a fever. He was buried in Notre Dame church.

† The king of France demanded the guardianship of her from king Henry, but could not obtain it. Hoved.

‡ The next year she married again Ranulph earl of Chester, whom king Henry knighted, and gave him the earldom of Richmond. Brompt.



his power than convinced by his reasons, were in great perplexity. Justice and their own interest required, that Constance, to whom the duchy belonged by inheritance, should have the government. But on the other hand, it was dangerous to send away the king without some satisfaction. In short, they found an expedient with which the king was well enough pleased, because he saw it would be difficult to obtain more. The duchess was made guardian of her children, and it was decreed, that all orders and publick acts should run jointly in her's and her son's name, but with this proviso, that nothing of moment should be transacted, without the advice and consent of the king of England. Before he quitted Bretagne, Henry caused the states to swear fealty to young Arthur as their sovereign. He was apprehensive in case Constance should marry again, and have children by a second husband, she would prefer them before those by the first.

Henry would not perhaps have been satisfied with what he had obtained of the Bretons, had he not been afraid that Philip king of France, would have interposed in the affair. This prince though very young, was meditating grand projects. He could not help showing some uneasiness, that so many provinces of his kingdom should be possessed by the English. Since his accession to the throne, he had formed a design to wrest them out of their hands, and to embrace for that purpose, all opportunities that should offer. Pursuant to this resolution, he imagined, the dissension between Henry and his son Richard, presented him with a favourable juncture, which he should not neglect. He was persuaded, these princes being divided and unarmed, and not suspecting they were going to be attacked, he might very possibly take from them some part of their dominions in France. In this belief he made extraordinary preparations, upon such pretences as served best to conceal the real motive. As soon as he was ready to act, he summoned Richard to appear and do him homage for Poictou, and required king Henry to restore the Vexin with all Margaret's dowry, his eldest son's widow. But he found he had taken his measures wrong. For Henry and Richard, uniting for their common interest, kept him so employed, one in Normandy, the other in Guienne, that he was forced to sue for a truce, which was granted him for two years.

Philip forms  
designs a-  
gainst Hen-  
ry.

He com-  
mences a  
war.  
Gervase.

Truce be-  
tween the  
two kings.  
Diceto.  
Gervase.

Having experienced how difficult it would be to compass his ends, unless he fomented the discord between Henry and Richard, he did not long defer his endeavours. To succeed

1187.

Philip seduces Richard.  
Moved.  
Dileto.

the more easily, he ordered it so, that during the truce, Richard paid him a visit at Paris, where he seemingly gave him a very hearty welcome, and even admitted him to his bed. These caresses wrought a sudden effect in the mind of the English prince, who never once suspected the motive. In a little time he entertained so strong an affection for Philip, that he imparted to him all his reasons for being dissatisfied with his father. Philip pretended to pity him, and have his interest very much at heart. He wondered with him, that the king his father should treat him so harshly, and, after crowning his elder brother in a less advanced age, should refuse him the same favour. He artfully hinted, there was reason to fear, he had formed a design to place on the throne his youngest son John, of whom he was very fond. From these considerations it was natural to infer, a necessity of taking care to prevent so unjust a proceeding. Richard received these marks of affection with that earnestness and confidence, that Philip was in great hopes of attaining his ends.

Complaints of Richard against his father.  
Moved.

Mean time, Richard's long stay at Paris made his father extremely uneasy, who never ceased sending for him. He was quickly sensible, his suspicions were not groundless. At the time the truce was about to expire, Richard, without quitting the court of France, openly complained of his father's preventing him from consummating his marriage with the princess designed for his wife. But as Henry might recal him on pretence of solemnizing the nuptials, he had another excuse ready. He pretended to have private intelligence that the king designed to apprehend him, and keep him in custody, in order to place with the more ease his younger son on the throne. These proceedings of Richard threw Henry into great perplexity. He perceived, this affair might be attended with ill consequences, unless a means was found to draw his son from Philip. But this was no easy matter, if Richard himself was unwilling. As the main business therefore was to gain his son, he privately dispatched a trusty messenger, who made him sensible, he had imprudently fallen into the king of France's snare, whose sole aim was to sow dissension between him and his father, in order to make an advantage of their misunderstanding. Richard being prevailed upon by these remonstrances, suddenly left the court of France, and returned to the king.

He returns home.

The taking of Jerusalem by the Saracens.

The truce being expired, the two monarchs took up arms again. But just as they were renewing their hostilities, their animosity was suspended for a while, upon the melancholy news that the city of Jerusalem was taken by Saladin, sultan of

of Babylon, and that Guy de Lusignan, the last that swayed the sceptre of that kingdom, was in the hands of the infidels. As the union of the christians had formerly been the means of conquering the kingdom of Jerusalem, their dissension was the cause of its destruction, after subsisting near a whole century. This news, which threw the princes of Europe into great consternation, was particularly fatal to pope Urban III. who died with grief. He was soon followed by Gregory VIII. his successor, who sitting in the papal chair but three months, made room by his death for Clement III.

1187.

Hoved.  
Diceto.  
Gervas.  
Brompt.  
Clement III.  
pope.  
Gervase.  
Brompton.

The two kings of France and England were very sensibly affected with the christians late loss in the east. Their zeal being roused upon that occasion, they resolved, with one consent, to drop their private quarrel for the cause of God (for so it was termed in those days) and meet at Gisors, to consider of means to remedy this misfortune. At this interview, their first business was to renew the truce. Then the two monarchs, as well as the earl of Flanders, who was present at the conference, took the cross, distinguishing themselves by three different colours, Philip chose a red, Henry a white, and the earl of Flanders a grey, cross. Those of their subjects that engaged in the crusade imitated them in this distinction of colours \*.

Philip and Henry make a truce, and undertake the cross.  
Mezerai.  
M. Paris.  
Gervase.  
Hoved.

But the zeal shown by the two kings was not long-lived. Their ardour soon gave place to an animosity so much the more surprising, as the occasion was of little moment. Prince Richard, who was to be in the expedition to the Holy Land, having occasion for a sum of money, came to Poictou to raise it. Whilst he was employed in this affair, one of Raymond earl of Tholouse's officers, passing through his territories and giving him some cause of disgust, he committed him to prison. Raymund, having notice of it, ordered, by way of reprisal, two Poictevin gentlemen to be taken up, as they were going by Tholouse, in their return from a pilgrimage to St. James of Compostella. These violent proceedings causing a very warm quarrel between the two prin-

1188.

Quarrel between Richard and the earl of Tholouse.  
Diceto.  
Hoved.  
Gervas.

\* After which king Henry came to England and landed at Winchelsea, Jan. 29. Gervase. After his return, he sent his collectors throughout England; and pitching upon the richest in every city, for instance, two hundred in London, and one hundred in York, obliged them to make him presents: such as refused, were imprisoned, till

they had paid the utmost farthing. Hoved. Gervase complains, that during the year 1188, all England was grievously oppressed about the tenths, (or tax for the crusade.) The English paid above seventy thousand pounds towards it, and the Jews in England sixty thousand pounds. Hoved.

1188.

Gervas.

ces, Richard took occasion to revive the pretensions of the house of Poitou to the earldom of Tholouse. This furnished him with a pretence to enter earl Raymund's country with a powerful army, where he became master of Moissac, and several other places. Raymund finding himself thus engaged in a war, of which he did not question but the king of England was the author, demanded the assistance of France. Though Philip knew better than the earl of Tholouse, and was very sensible, Richard might possibly undertake the war without his father's knowledge, he pretended to believe it done by Henry's orders. Accordingly, under colour of assisting the earl of Tholouse, his vassal, he made a diversion in Berry, and took Issoudun. This was the occasion of the fresh rupture between the two kings, when they seemed to breathe nothing but death and destruction against the infidels.

The war renewed between Philip and Henry.

Gervas.

Brompton.

Hoved.

Richard goes over to the king of France.

Brompt.

Richard's complaints.

Gervas.

The beginning of this war not being remarkable, it will be needless to relate the particulars. It is sufficient to take notice of the consequences, which proved very fatal to the king of England. Whilst it was vigorously prosecuted on both sides, all on a sudden, and when Henry least expected it, his son Richard left him, and went to the king of France. Very probably, this was effected by Philip's intrigues, which the historians have not taken care to unfold. Be this as it will, Richard pretended to have two occasions of complaint against the king his father. The first was, that he detained from him the princess Alice, and had offered Philip, who pressed him to have the nuptials solemnized, to marry her to prince John upon more advantageous terms. Whether this was fact, or Philip had told him a falsity to set him at variance with Henry, he believed, or feigned to believe, that a project was formed to deprive him of his birth-right, and place his younger brother on the throne. The other occasion of complaint was, that Philip offering to consent to a truce, Henry refused it, affirming it was better to conclude a peace, and adjust their respective pretensions, before they engaged in their expedition to the Holy Land. This displeased Richard, and his reason was, because, by a peace, he would have been obliged to restore his conquest upon the earl of Tholouse, whereas by a truce he would have kept possession.

1189.

Henry tries in vain to make peace.

Hoved.

Gervas.

Richard's defection vexed the king his father, as much as it rejoiced Philip, who, from that time, had a great advantage over his enemy. In withdrawing, Richard set against the king part of his provinces in France, and thereby almost disabled him to maintain the war. For this reason Henry hastened

hastened the conclusion of the peace. But Philip proposed 1189. } such hard terms, that they could not be accepted. He required, that the marriage between Richard and Alice should be consummated, and the prince crowned before his father's death, that his right to the crown might not be disputed for the future. Henry could not relish these conditions. His love for Alice would not suffer him to see her in the arms of another, and perhaps there were very strong reasons against his giving her to his son. On the other hand, he had experienced to his cost the ill consequences of crowning his eldest son Henry, to be willing to run the same hazard for one, who seemed no less dangerous than his brother. This first attempt failing, Henry made another effort for a peace, but found that Philip, grown more untractable, added a new article. He demanded that Henry should carry prince John to the Holy Land, lest, in Richard's absence, he should seize the crown, in case their father died in the expedition. Henry, offended at Philip's interposing thus in his family affairs, broke off the negotiation. This rupture confirmed Richard in his suspicion that his father intended to deprive him of the crown, and give it to his younger brother.

All hopes of peace vanishing <sup>\*</sup>, Philip received Richard's homage for all the provinces in France belonging to the crown of England, pretending Henry had incurred the guilt of rebellion, in warring against his sovereign.

This step being taken, the effusion of christian blood was renewed with greater fury than ever, and the zeal expressed against the infidels insensibly cooled. Henry lay under a great disadvantage in this war. Most of his subjects in France had abandoned him and joined with his son. This revolt was so general, that keeping his Christmas at Saumur, he had the mortification to see himself attended but with three or four nobles. His vexation was farther increased by the ill success of the following campaign. His troops, every where defeated, were at length reduced to so small a number, that it was not in his power to continue the war. His affairs being in this wretched condition, he desired the pope to interpose his authority and procure a peace. But this method proved ineffectual. Indeed, the pope sent legates into France, who threatened Philip with excommunication, in case he prevented the king of England from accomplishing his vow. But these menaces had not the expected effect.

<sup>\*</sup> At their first conference, they agreed upon a truce till January 14, 1189.  
 Moved,

Gervase.  
 P. 1544.  
 Moved.

Philip receives Richard's homage.  
 Gervase.  
 Moved.  
 Henry is deserted by his French subjects.  
 Moved.  
 p. 652.  
 Brompton.

M. Paris.  
 He is every where defeated.  
 He applies to the pope.  
 Moved.  
 M. Paris.

1189.

Philip's re-  
ply to the  
legates.

Hoved.  
p. 652.

Henry is  
forced to  
comply with  
Philip's  
terms.

The French monarch fiercely replied, the pope had no right to intermeddle in the affairs of the kingdom, especially when the business in hand was the chastising a vassal who had audaciously taken up arms against him. Adding, with an insulting air, He did not question but that the smell of [the king of England's] sterlings made the legates talk in that strain <sup>γ</sup>. Henry, dreading the consequences of so unfortunate a war, and finding the pope could do him no service, was forced at length to agree to the terms Philip was pleased to impose upon him, the principal of which were these <sup>z</sup>.

The articles  
of the peace.  
R. Diceto.  
Brady.  
Hoved.  
p. 653.

That all Henry's subjects, as well English as French, should swear fealty to Richard; and that those who had sided with the son, should not return to the father till within one month before he set out for the Holy Land.

That the two kings, with prince Richard, should meet at Vezelay in le Nivernois, in order to begin their journey.

That all the king of England's subjects should have free passage all over France, paying only the old customs.

That Henry should be obliged to pay the king of France twenty thousand marks, for the damages sustained in the war <sup>a</sup>.

That all the barons of the king of England should swear, that in case he violated the treaty, they would assist the king of France against him.

That the cities of Tours and Mans should remain in the hands of Philip, till the king of England performed all these articles.

It was with extreme reluctance that a prince of so high a spirit as Henry, stooped to such hard conditions. The remembrance of the advantages, he had all along obtained over France before this fatal war, instead of comforting him, served only to render his cup the more bitter. Upon this mortification followed another, which he could not resist. He discovered, that during the late war, his beloved son John held intelligence with Philip, and was concerned in all his brother's plots to dethrone a father, who had ever shown a tender affection for him. His grief threw him into

Henry finds  
that his son  
John had  
held intelli-  
gence with  
Richard.  
Brompt.

<sup>γ</sup> Richard had like to have run the legate through with his sword, if he had not been hindered. M. Paris.

<sup>z</sup> This peace was concluded about the latter end of June.—The first article was, That Alice should be delivered to one person in five whom earl

Richard should choose, and that she should be married to him at his return from Jerusalem. Hoved.

<sup>a</sup> Thirty thousand pounds to the king of France, and twenty thousand to the barons of that kingdom, Gervaa.

so violent a passion<sup>b</sup>, that he cursed the day of his birth, and uttered imprecations against his sons, which the bishops then present could never bring him to revoke. Shortly after, he fell sick at Chinon, and perceiving his end approached, caused himself to be carried into the church before the altar, where, after confessing himself, and expressing some signs of repentance, he expired. His eyes were no sooner closed but his domesticks all left him, nay some had even the insolence to strip him and leave him quite naked in the church. His corps was removed to Fontevraud, where he was buried according to his own order<sup>c</sup>. An extraordinary accident rendered the removal of his body very remarkable. His son Richard coming to meet the funeral pomp, in order to attend his father to his grave, upon his approach, the blood in great abundance gushed out of the mouth and nostrils of the corpse. Richard, though naturally very hard-hearted, was so moved at this sight, that he burst out into tears, and openly accused himself of being the occasion of his father's death.

1189.  
He curses his sons.  
He dies at Chinon.  
Brompt.  
Hoved.

His corps bleed at the approach of Richard.  
Brompt.  
p. 1151.  
Hoved.

Such was the end of Henry II. one of the most illustrious princes of his time, both for greatness of genius and extent of dominions. The mixture of vices and virtues, in this monarch, makes it difficult to give him a general character that perfectly agrees with him. He was valiant, prudent, generous, politick, studious, learned, and of an exalted genius<sup>d</sup>. On the other hand, he was excessive haughty, of an immeasurable ambition<sup>e</sup>, and a boundless lust. Never satisfied with love or empire, he spent his whole life in pursuit of new conquests in both. He attempted the chastity of all that came in his way, not excepting the princesses designed for his own son<sup>f</sup>: Failings, which in great

Character of Henry II.  
Brompt.  
p. 1044.  
1150, 1151.

Brompton,  
p. 1151.

<sup>b</sup> Brompton says, that his grief at this, was the occasion of his death. Brompt.

He was interred in the choir of the monastery which he himself had founded, with design to be buried there. A stately tomb has been since erected for him and Eleanor his queen, as also for his son king Richard and his queen, at the charge of the lady abbess Jeanne Baptiste de Bourbon, natural daughter to king Henry the fourth of France; their effigies in brass, which, before lay in other parts of the church, being removed and placed together in one monument. See Sandford's general history of the kings of England. p. 64, 65.

<sup>d</sup> He was very mild towards those

that hunted in his forests, only imprisoning them. He was very bountiful to the widows and orphans. There being a famine in Mans and Angou, in 1176, he supplied ten thousand people with food out of his stores, from April 1, till the corn was ripe. He never laid any heavy tax or tribute upon his subjects. He took care to secure wrecks, and laid heavy penalties upon any that should plunder upon that occasion. Brompt. Diceto.

<sup>e</sup> He said in his prosperity, the whole world was but sufficient for one great man.

<sup>f</sup> An historian says, he had a mind to marry her, and applied to Hugo the pope's legate, in order to be divorced from his queen Eleanor. Brompt.

measure,

1189. measure, balance all his noble endowments. In the beginning of his reign, which was one of the happiest for some years, there was not in Europe a king more feared or respected. Encircled with glory and honour, which seemed to promise him great prosperity, he was looked upon as the happiest prince in the world, before Becket's affair interrupted his felicity. But that fatal quarrel, which created him so many troubles, being followed by dissensions in his family, he beheld the happiness, which till then had attended him, turned into misfortunes. However, if this prince was unhappy, his misfortunes fell only on his own head and not on his kingdom, which had never been in so flourishing a condition as in his reign. By his accession to the crown, England became one of the most powerful states in Europe, and began from that time to be on a level with France, to which before it was much inferior. Besides the large and rich provinces annexed in his time to the English monarchy, the conquest of Ireland is what gives a great lustre to his reign, and ought to render his memory dear to the English. He died on the sixth of July in 1189, and in the 57th year of his age, after a reign of thirty four years, eight months and twelve days <sup>z</sup>.

Brompt.  
Hoved.

His lawful  
issue.

Hoved.

Of the five sons he had by Eleanor of Guienne his wife, Richard and John only survived him: Geoffrey, his third son, left a son and a daughter, of whom I shall have occasion to speak hereafter. Matilda, his eldest daughter, married to the duke of Saxony <sup>a</sup> died immediately after him.

Eleanor

<sup>z</sup> Seven months and four days, says Hoveden.

<sup>a</sup> Henry, duke of Saxony, king Henry's son-in-law, having been accused of treason against the emperor Frederick, was condemned to banishment for three years, and deprived of his dominions. Some years after the emperor restored to him that part of them, containing at this day the duchies of Hanover, Zell, and Wulfembutte. From this duke Henry by Matilda, is descended his present majesty King George.

I. King Henry held his great councils or parliaments, at the following places. In 1154, at Christmas, at Bermondsey. (Gervas. p. 1377.) In 1155, at Wallingford. (Id. p. 1378.) In 1163, a parliament. (Hoved. p. 492,

M. Paris. p. 100.) Another at Woodstock. (Hoved. p. 493, M. Paris. p. 101.) one at Clarendon. (Hoved. Gervas. *ibid.*) one at Northampton, Oct. 13. (Hoved. p. 494. Diceto, p. 537.) In 1164, a parliament, at Westminster. (Brompt. p. 1058.) In 1166, a parliament. (M. West. p. 249.) In 1170, at Windsor, and afterwards at Westminster. (Brompt. p. 1060. Hoved. p. 518.) One at Christmas. (Hoved. p. 520, 521.) In 1171, one was held. (Gervas. p. 1399.) In 1173, one at Westminster, in April. (Gervas. p. 1424.) In 1175, at Woodstock. (Hoved. p. 545.) at Reading at Whitsuntide, (Brompt. p. 1102.) at York. (Hoved. p. 545.) June 29. at Gloucester. (*ibid.*) October 6, at Windsor. (Id. p. 1106, 1107.) at Northampton. (Gervas.



Eleanor was wife to Alphonso king of Castile, and Johanna to William II. surnamed the good, king of Sicily.

Besides his lawful issue, Henry had two natural sons by Rosamond Clifford, William surnamed Long-sword, who was earl of Salisbury, and Geoffrey, who was archbishop of York. By a daughter of Sir Ralph Blewet, Henry had also another natural son colled Morgan, who being elected bishop of Durham, could not obtain the pope's confirmation, because he refused to take the name of his mother's father.

His base  
issue.

Some historians relate, that in the reign of Henry II. there was found in the church-yard of Glaffenbury abbey, a grave containing three bodies laid one upon another, each in a coffin by itself. It was pretended, the first was Guinever's, second wife of the great Arthur; the second, Mordred's his nephew; and the third, Arthur's distinguished by a leaden cross, with this inscription, Here lies the illustrious king Arthur in the isle of Avalon. What is further

It is pretended that the corpse of the great Arthur was found in this sign.  
Brompt. p. 1152, &c.

(Gervas. p. 1433. Brompt. 1108.) In 1176, January 26, at Northampton. (Diceto, p. 588. Hoved. p. 548.) one about Whitfuntide. (Brompt. p. 1112.) June 19, at Westminster. (Diceto, p. 586.) June 29, at Northampton. (Brompt. p. 1108.) at Winchester. (Id. p. 1109.) at Christmas, at Northampton. (Hoved. p. 553. Brompt. p. 1117.) In 1177, at Northampton. Jan. 14, (Brompt. p. 1118.) at Ely and Windsor. (Brompt. p. 1127.)

II. Remarkable occurrences: King Henry brought into England the Angevin fashion of wearing short cloaks, or mantles, for which reason he is sometimes called short or court-mantle. Brompt. p. 1150.—About 1176, London-bridge began to be built with stone, by Peter Coleman a priest. The king contributed to the advancement of so good a work: a cardinal, who was then legate here, and the archbishop of Canterbury, gave one thousand marks towards it. The course of the river was, for the time, turned another way; by a trench cast for that purpose, beginning at Battersea, and ending about Rotherhith. It was thirty three years in building. Stow's survey part I. p. 53.—In 1178, king Henry laid the foundation of Warwick

castle. Stow's chron. p. 152.—In 1177, the Jews obtained permission to have a church-yard near every town, where they lived: Before, they had but one in England, namely at London. Brompt. p. 1129, 1152. Hoved. p. 568.

III. The two first branches of the royal revenue being spoken of already; namely, the demesns of the crown and escheats, the third branch is the feudal and other profits arising from thence, as reliefs upon the death of his ancestor, every heir that held his lands by barony, or knight's service, was obliged to pay a sum of money to the king, on his taking possession of the inheritance. These reliefs were at first uncertain till Magna Charta, when an earl paid one hundred pound, a baron one hundred marks, a knight, for one fee, five pounds. Here it must be observed, that some baronies were much larger than others, and so of the knight's fees. This difference arose from the respective charters of the feoffment. For if the king enfeoffed a man of forty knights fees, to hold by barony; or ten knights fees, to hold by barony; the tenure was barony in each case. So also, if the king enfeoffed a man of twenty carues of land, to hold by the service of one knight;

or

1189.

ther asserted, that his legs were a third longer than those of the largest men, and that there was the distance of a span between his eye-brows, renders this relation somewhat

or forty carucs, to hold by the service of one knight; the scotfee had in each case, one knight's fee. For this reason, at certain times, a distinction was made between the baronies, and fees of the old, and those of the new feoffment; the old being commonly larger than those of the new. Notwithstanding this difference, the relief of the barony or fee, whether it was a greater or lesser was the same. But when two baronies came to be vested in one man, he was charged with a relief for each.

2. Another feudal profit, was wardship and marriage. During the nonage of the heirs of the king's tenants in capite, the king could dispose of the custody and marriage of them to whom he pleased, which raised him a great revenue. A fourth branch of the revenue, was the yearly farms of the counties. From the reign of William I. the king used to let out the several counties, upon a yearly farm or rent, or commit them to custody. The farmer or committes, was usually styled sheriff. Most, if not all the counties, as appears by the revenue rolls, were thus let at farm in king Stephen's reign. When a county was let for more than formerly, the improvement was called *crementum*, the increment; which was sometimes answered in palfreys, hawks, &c.

2. The yearly farms of the towns, burghs, and gilds. It is to be remembered, that from the time of the conquest, the cities and towns were invested either in the crown, or the clergy, or the baronage. Some of these towns the king was possessed of, as part of the original inheritance of the crown; others by ancient escheat, just as his other lands. When the king was seized of a city, or town, in demesne, he was lord of the soil, viz. of all the land within the site and precinct thereof, of all the burgage houses, sheds, stalls, and buildings, herbage, profits of fairs and markets, pleas and perquisites of courts; in a word, of all issues, profits, and appurtenances, of the city or town of any kind, that

was not alienated by himself or ancestors. For sometimes the crown thought fit to grant some part, or profit, to a private person and monastery. Such a city or town, was commonly styled *civitas regis*, *villa regis*, *burgus regis*; and the men, *homines* or *burgenses regis*. The yearly profit, made by the king, of his cities and towns, was paid him several ways. The issues of some were included in the general farms of the county where they lay, and were answered by the sheriff. Sometimes the king committed them to farmers, or custodes, distinct from the sheriffs. In a word, sometimes the king let his town to the townsmen, at farm for years, or in fee farm, that is, perpetual farm for ever, since *feodum*, fee was used in England, to signify a perpetual estate, it has been used to denote perpetuity in office and in rent. Thus inheritable offices have been called offices in fee. When a town was put to fee farm, the tenure was burgage. Particular burgage tenements lying in the town, as well as the town itself, were said to be so holden. In process of time, most of the towns and burghs, came to be let to the respective townsmen or burgesses at fee farm. To the farms of the towns, may be referred the farms or yearly payments to the crown, by the gilds and messengers. The word gild, signifies a company, society, brotherhood, by which last name the religious gilds were called, that were founded for devotion and alms deeds, as the secular gilds were chiefly for trade and alms deeds. These gilds could not be set up without the king's warrant. The gilds of goldsmiths, bochers, and others, were amerced in London, to the crown, as adulterine, in the reign of Henry II. There was also in former times a secular gild called *gilda mercatoria*, a merchant gild. From these gilds, perhaps, sprung the practice of gildating, or embodying whole towns. In time, the several gilds of goldsmiths, salters, &c. were styled

somewhat suspicious. However this discovery, real or pretended, served to undeceive some weak people among the Welsh, who still expected the return of their hero. 1189.

## 6. RICHARD I. *surnamed* COEUR-DE-LION.

AS soon as Henry was laid in his grave, Richard's complaints were easily perceived to be only pretences to colour his rebellion. He had earnestly desired leave to consummate his marriage with Alice of France, and complained of his father's great injustice in obstructing his happiness. And yet, when this pretended hap-

Richard has  
no thoughts  
of marrying  
Alice,

stayed corporations or companies. All these gilds paid a yearly sum to the king. As for the mestiers, it is to be observed, that this word has no relation to the word mystery, as if there was, as it is vulgarly said, some mystery in every trade. For though mystery has been used for many years

past for a craft, or occupation, the true derivation is from the Gallick *mistiera*, *mestiera*, or *mestier*, signifying a trade. Thus we find in Edward III. the *mistiere* of taylor, armourers, and others. The other three remaining branches of the revenue, will be the subject of the next note on the coin.



King Henry II's coin is the same with those of his predecessors, giving him full faced, with a sceptre in his right hand, a crown of a row of pearls of five points, with a cross raised upon the middlemost, and this inscription, HENRICUS REX. on the reverse, a double lined cross, terminating at the inner circle, and four pellets in each quarter: which on some are conjoined by a small stroke in form of a cross. DODELM. ON. WINC. (Winchester) NICOLE. ON. LUND. one there is, ILGHE. ON. LUND. THOMAS. ON. EVE. (York) BERNAUD. ON. EVE. Whether his son

Henry, who died before him, coined any money, is uncertain, but he had a great seal. There appears to be in this reign a foreign current coin, called a bezant, of the value of two shillings. For Cressalin, the Jew of Winchester, was amerced one hundred marks, and he paid instead thereof one hundred bezants, which were accepted by the king, *merâ gratiâ*. Mag. Rot. Hen. II. Rot. 10. a. Sudhantescira. This coin was so called from being coined at Byzantium, or Constantinople, says Nicolson, hist. lib. p. 252.

1189.  
and shows  
no jealousy  
of his brother  
John.  
Diceto.

He does homage to  
Philip, and  
is crowned  
duke of  
Normandy.  
Hoved.  
Gervas.  
R. Diceto.  
Brompt.

He releases  
the queen  
his mother.  
Hoved.  
Brompt.

He banishes  
from his  
presence  
such as had  
sided with  
him.  
Hoved.  
p. 655.  
Brompt.  
p. 1154.

pinefs was in his power, he thought no more of it. On the other hand, his jealousies and fears, on account of prince John his brother, vanished on a sudden. Instead of returning forthwith into England, as he would certainly have done, had he been apprehensive of his brother's cabals, he staid above a month in France after Henry's death, without having the least uneasiness on that account. His first care was to do homage to Philip, and thank him for the protection he had granted him. This visit procured him the restitution of the places conquered by that monarch during the late war <sup>a</sup>. After that, he went and received the ducal crown of Normandy at Roan <sup>b</sup>, where he remained some time, showing by that he was not afraid his absence might prejudice his affairs in England. And indeed, so far were the English from disputing his right to the crown, that his orders were executed as if he had already received it. The first he sent thither was to release his mother queen Eleanor, who had languished in prison sixteen years. At the same time he entrusted her with the administration of the government during his absence, and impowered her to release what prisoners she pleased <sup>c</sup>. The queen, being taught by her own, to pity others misfortunes, used with pleasure, for the relief of the unhappy, the power given her by the king. Nay, she was observed, during the residue of her life, to omit no opportunity of exercising her charity to such as were debarred the sweets of liberty, the value of which she had but too well learnt, during her long confinement.

Eleanor's compassion for prisoners was very natural. But Richard's treatment of those that had, for his sake, exposed themselves to his father's resentment, was very surprising <sup>d</sup>. Instead of rewarding them, as they expected, he forbid them ever to appear in his presence. At the same time he affected to load with favours all that had resisted his solicitations. Hence was seen an instance of what has been

<sup>a</sup> The place where they met was between Chaumont and Trie, on July 22. Philip insisted upon the restitution of Gisors, and other places; but, instead of them, king Richard agreed to pay Philip four thousand marks of silver, besides the twenty thousand his father Henry had engaged in the late treaty to pay. Hoved. Brompt.

<sup>b</sup> He did not only receive the ducal crown, but, as Hoveden expresses it, was girt with the sword of the dukes of Normandy, (for that was the

form of investiture) by the archbishop of Roan, in the presence of the bishops, earls, and barons of Normandy. Hoved.

<sup>c</sup> He also gave her whatever king Henry I. and Stephen had granted to their queens for a dower, besides what Henry II. her husband, had allowed her. Brompt. Hoved.

<sup>d</sup> He restored Robert earl of Leicester, and others to their estates, of which they had been deprived by his father. Hoved. Brompt.

often remarked, that such as make use of indirect means to compass their ends, detest in their hearts the instruments they employ, and approve of the conduct of those that are not to be diverted from their duty.

After Richard had settled all his affairs in France, he came to London<sup>e</sup>, where he was solemnly crowned by Baldwin archbishop of Canterbury, who administered to him the customary oath. From William the conqueror, there was no king but what had taken the same oath, though not one had been careful to perform it. This the archbishop took the freedom to represent to Richard, conjuring him withal, in the name of God, to be mindful of the vows and oaths he had just taken in accepting the royal dignity. Richard made answer, that by God's assistance he would punctually perform them all<sup>f</sup>.

He is crown-  
ed at Lon-  
don.  
R. Diceto,  
Gervase.  
Hoved.  
Brompt.  
M. Paris.

The

<sup>e</sup> He landed at Portsmouth, August 13; (or, according to Gervase, at Southampton, August, 12, p. 1549.) being attended by the archbishop of Canterbury and the bishops of Rochester, Lincoln, and Chichester. From thence he went to Winchester August 15, where he took an account of his father's treasure. Hoved. M. Paris.

<sup>f</sup> It may not be amiss from Hoveden and Diceto (who were eye witnesses) to set down the ceremonies at large, since we may learn from hence the whole form of an ancient coronation: the archbishops of Canterbury, Roan, Trier, (who came over with the king) and Dublin, with other bishops and abbots in rich copes, and having the cross, holy water, and censers carried before them, received the duke at the door of his privy chamber, and conducted him with a solemn procession to the abbey church of Westminster. In the middle of the bishops and clergy went four barons, each carrying a golden candlestick, with a taper; after whom came Geoffrey de Lucy, bearing the royal cap, and John de Marshal next, with a massy pair of gold spurs: then William earl of Pembroke, with the royal sceptre: after him William Fitzpatrick earl of Salisbury, with a golden rod, having a dove on the top: then three other earls, David brother to the king of Scotland, as earl of Huntingdon; prince John earl of Lancaster

and Derby; with Robert earl of Leicester, each bearing a sword upright, the scabbards richly adorned with gold: after them six earls and barons bearing a checkered table, on which were laid the royal robes, and other regalia: then came William Mandevil earl of Albemarle and Essex, bearing a large crown of gold set with precious stones: then duke Richard himself, (between the bishops of Durham and Bath) over whom a canopy of state was borne by four barons: then followed a great train of earls, barons, knights, &c. In this order he came into the church, where, before the high altar, laying his hand on the evangelists and reliqs of saints, he took a solemn oath, "That he would observe peace, honour, and reverence to almighty God, his church and her ministers, all the days of his life; that he would exercise upright justice and equity towards the people committed to his charge; and that he would abrogate and disannul all evil laws and wrongful customs, and make, keep, and sincerely maintain those that were good and laudable." Then they put off all his garments from his middle upwards, except his shirt, which was open on the shoulders, and put on his shoes which were of gold tissue, and the archbishop anointed him on the head, the breast, and the arms; then covering his head with a linnen

1189.

Some Jews  
slain.  
Neubrig.  
l. 4.  
Brompt.  
Hoved.  
Diceto.

The ceremony of the coronation was disturbed by the massacre of some Jews, who, by striving too eagerly to get into the church to see the solemnity <sup>g</sup>, gave occasion to the people to fall upon them and kill several before their fury could be restrained. But the authors of this disorder were not suffered to go unpunished. The king ordering strict inquisition to be made, the ring-leaders were deservedly put to death <sup>h</sup>.

It

cloth, he set the cap thereon which Geoffrey de Lucy carried; and when he had put on his waistcoat, and on that his dalmatica, or upper garment, the archbishop delivered to him the sword of the kingdom; which done, two earls put on his spurs, and he was led, with the royal mantle hung on him, to the altar, where the archbishop charged him on God's behalf, not to presume to take upon him this dignity, except he resolved inviolably to keep the vows and oaths he had just then made: to which the king answered, that by God's grace he would faithfully perform them all. Then the crown was taken from beside the altar and given to the archbishop, who set it upon the king's head, delivering the sceptre into his right hand, and the rod royal into his left. Thus crowned, he was brought back to his throne with the same solemnity as before. Then mass began, and when they came to the offertory, the king was led by the bishops of Durham and Bath to the altar, where he offered a mark of pure gold, as his predecessors were wont to do, and afterwards was brought back to his throne by the same bishops. After mass, he was attended, thus royally arrayed, to a chamber adjoining in like procession as before: whence (after a short repose) he with the same procession returned into the choir; and having put off his heavy crown and robes, he went to dinner. At the coronation feast, which was kept in Westminster hall, the citizens of London were his butlers, and those of Winchester served up the meat. Then the archbishops and bishops sat down with the king, whilst the earls and barons served in the king's palaces, as their places and dignities required. Hoved. Ralph de Diceto (who was then dean of St. Paul's, and in the va-

cancy of the bishoprick of London assisted at the coronation, and delivered the chrism or consecrated oil, with which the king was anointed) has these remarkable words just before his account of the coronation, "Richard earl of Poictu, being by hereditary right to be made king, [promovenus in regem] after a solemn and due election by the clergy and laity, took a threefold oath," &c. By which words it should seem that the kings in those days were not considered as completely kings, till they were actually crowned, though the custom be otherwise now. Diceto.

<sup>g</sup> They came to bring the king presents; though orders had been given, the day before, that neither Jews, nor women, should be at the coronation. Hoved. M. Paris.

<sup>h</sup> The example of the Londoners was followed the next year in the towns of Norwich, on February 6; Stamford, March 7; St. Edmundsbury, March 18; Lincoln and Lynn, where the rabble rose upon the Jews; but their greatest fury was exerted against them at York, March 16; where five hundred men, besides women and children, having prevailed with the governor to let them into the castle to avoid the rage of the populace; the high sheriff came and required them to deliver it up, which they refusing to do, the people drew up in a body and attacked the castle. At last the Jews offered a great sum of money to go off with their lives; but the people denied to give them quarter. Upon which an ancient rabbin proposed the killing themselves rather than fall into the hands of the uncircumcised christians. This motion was unanimously agreed to, and their method in putting their tragical resolve in execution, was thus: every master of

It is no wonder, the people should fall on the Jews upon 1189.  
 so slight an occasion. Since the news of the taking of Jeru-  
 salem was spread over Europe, nothing but vengeance was  
 breathed against the enemies of Christ. Though the Jews  
 were not concerned in the late revolution in the east, their  
 not being christians was sufficient to render them odious.  
 At such a juncture, they would doubtless have found them-  
 selves exposed to worse persecutions, if the preparations for  
 the crusade had not at length turned the fury of the people  
 against the Saracens. This zeal, especially in France and  
 England, ran so high, that the number of the croissés was  
 prodigious. Every one gloried, either in lifting himself to  
 go in person against the infidels, or in advancing money for  
 the war. Richard bound himself by the like vow before  
 his father's death. He renewed his engagement at the late  
 interview between him and Philip, where these two mo-  
 narchs agreed to join their forces, and go to the assistance  
 of the christians of Palestine. Richard was scarce on the  
 throne, when, for fear of forgetting his promise, Philip sent  
 to put him in mind of it<sup>1</sup>. There was no need to use much  
 sollicitation to incline him to that undertaking. Far from  
 desiring to be excused, he thought only of preparations for  
 his journey, neglecting for its sake all his other affairs.  
 Whether this proceeded from a principle of zeal and devo-  
 tion, or from an eager desire of acquiring fame, I dare not  
 determine. However, if it be allowable to judge by the  
 character of Richard, it is to be presumed glory had a  
 greater share in it than religion.

Brompton,  
p. 1171.

The ardour  
of the christ-  
ians for the  
crusade.

Philip puts  
Richard in  
mind of his  
vow.  
Hoved.  
p. 660.  
AQ. Pub.  
t. I. p. 63.  
Brompt.  
Diceto.  
M. Paris.

As this prince had grand views, and intended to lead a  
 powerful army into Palestine, it was necessary to raise vast  
 sums for its maintenance. Accordingly, he was wholly in-  
 tent upon that, till the time came to begin his voyage.  
 The late king left in his coffers above a hundred thousand

The means  
used by  
Richard to  
raise money.  
Hoved.  
Brompton.

of a family cut his wife's and children's  
 throats first, then dispatched his ser-  
 vants, and concluded with the slaughter  
 of himself. Will. of Newburgh, l. 4.  
 c. 9. Diceto, p. 651. Brompt. p.  
 1171, &c. It is strange (says Tyrrel,  
 vol. II. p. 472.) to observe the prepo-  
 sitious zeal of some of our monkish  
 writers, who do not only excuse but  
 applaud his barbarity, because (say they)  
 it served to destroy the enemies of the  
 christian faith.

<sup>1</sup> He sent to him, in November,

Rotrou, earl of Perche; who addressed  
 himself not only to the king, but also  
 to the earls and barons of England;  
 whereupon king Richard assembled a par-  
 liament at London or Westminster, to  
 consider of this affair. N. B. The first  
 time the word parliament occurs in the  
 ancient historians is in Brompton, 1164.  
 And the first record wherein the word  
 parliament is so used is claus. 28.  
 Hen. III. memb. 12 dors. according  
 to Mr. Pryana. See Spelman's glos-  
 sary, voce parliamentum.

1189.

Brompt.  
M. Paris.  
Hoved.  
p. 658.  
Neubrig.  
c. 5.

Diceto.  
Hoved.  
Brompt.  
M. Paris.

Richard of  
the Devises.

Hoved.

marks <sup>k</sup>, and Richard drew little less from the treasurer and others, who managed the revenues in the late reign. But thinking these sums insufficient for the charges of his voyage, he used all manner of ways to increase them. He sold almost all the crown lands to such as would purchase them. The bishops and abbots having the most ready money, made a greater advantage of this opportunity than others. The bishop of Durham purchased the earldom of Northumberland for himself and successors <sup>l</sup>; upon which the king jestingly said, he had made a young earl of an old bishop <sup>n</sup>. But this new dignity was not capable of satisfying the prelate's ambition. He gave moreover one thousand marks to be justiciary during the king's absence. As Richard appeared to be unwilling to omit any means that might procure him ready money, to defray the expences of his intended voyage, the king of Scotland thought he should improve this opportunity. To that purpose, he offered him ten thousand marks to deliver up Berwick and Roxborough, and desist from his claim to the sovereignty of Scotland. Richard, very readily accepting the offer, gave up the two places, and by an authentick charter, discharged the king of Scotland and his successors, from the homage extorted by Henry II.

Many people were uneasy at these alienations. Nay, some took the liberty to represent to the king the ill consequences thereof. But he stopped their mouths with this reply, I would sell London itself could I meet with a chapman able to purchase it. The sums amassed by these extraordinary ways, not answering yet to the vastness of his projects, he bethought himself of a new expedient to augment them. As multitudes had hastily and unadvisedly engaged in the crusade, he obtained of the pope a power to dispense with such as repented of their vow <sup>n</sup>, by which means he raised very great sums. After practising these general methods, he proceeded to exact money from the richest of his subjects. He borrowed of those who led an unblameable life, but for such as gave him any handle, he threatened to call them to a strict account <sup>o</sup>, and forced them to prevent it by presents, It

<sup>k</sup> Brompton says, there was found in his treasury above nine hundred thousand pounds, besides jewels, &c.

<sup>l</sup> He bought it only for life. Hoved. M. Paris.

<sup>m</sup> He likewise bought the manor of Sedgefield, with the wapentake, and settled it upon the see of Durham. Brompt. The bishop of Winchester

bought also of the king the two manors of Weregrave and Means. Brompt.

<sup>n</sup> The bishop of Norwich paid him upon that account a thousand marks, Brompt.

<sup>o</sup> By this means he squeezed a great deal of money out of the sheriffs and bailiffs; and those sheriffs that would not pay so much as the king exacted of them,



It was by this means that he compelled Glanville, a rich lawyer, whom he had committed to prison, to purchase his liberty with fifteen thousand pounds sterling<sup>p</sup>. Though he had resolved to leave the great seal, in his absence, with Longchamp his favourite, lately made chancellor, he demanded of him a large sum to continue him in that post<sup>q</sup>. Whilst he was thus heaping up money, the clergy were zealously labouring to procure him foldiers, the pulpits resounding with the great merit of serving in the holy war. The confessors enjoined no penances but what tended to promote the grand design of recovering the Holy Land. By these means the army soon became very numerous, and so much better provided with all things, as there was not an officer or common soldier but what furnished themselves with necessities.

Notwithstanding the king's satisfaction to see the preparations for his voyage in such forwardness, there was one thing that gave him disquiet. As he should probably be long absent, he was apprehensive his brother might take advantage of his absence and seize the crown. He would fain have carried him along with him. But as John showed no inclination for the voyage, he would not compel him to make an involuntary vow. To free himself from this perplexity, he resolved to load with favours the young prince, whose ambition was not yet known to him. He imagined the grants he should make him would engage him to a grateful return. He invested him with six earldoms<sup>r</sup>. Cornwall, Dorset, Somerset, Nottingham, Derby, and Lancaster<sup>s</sup>, and gave him to wife Avifa, heiress of the house of Glou-

1189.

Rich. of  
the Devises.Richard un-  
easy on ac-  
count of his  
brother.  
Gervas.  
Hoved.  
M. Paris,

them, were turned out, and others put in their room. M. Paris. — The king also made a new seal, and ordered all persons to have their charters or grants renewed. M. Paris.

<sup>p</sup> This was Ranulph de Glanville, whom Henry II. made justiciary of all England, and who lately resigned that office. *Cujus sapientia* (says Hoveden) *condite sunt leges subscriptæ quas Angliæ vocamus*; after which he gives us the laws of Edward the confessor, and William I. as if these had never been brought into any regular form before his time. The book that now carries his name has kept the same title in its several editions, viz. *tractatus de legibus & consuetudinibus regni Angliæ, tempore regis Henrici II. composuit*, &c. In which we have forms of such

writs as were then (and are mostly still) in use, upon all the several occasions there treated on. He is said to be the inventor of the famous writ of assize, or *de novel disseisin*. He died in his voyage to the Holy Land, being very aged.

<sup>q</sup> Three thousand pounds.

<sup>r</sup> Brompton says he confirmed to him all the lands which his father had granted him, viz. four thousand pounds in land in England.

<sup>s</sup> He gave him besides the earldom of Mortagne, the honours of Wallingford, Tikehill, Hay or Eve, and the castles and honours of Mariborough, Lutgarshal, the Pec, the castle of Bolsover, and all the lands of William Peverel. Hoved. Brompt.

1189.

Gives him  
six earl-  
doms, and  
the heiress  
of Gloucester in mar-  
riage.  
Hoved.  
Brompt.  
Gervase.  
Diceto.  
M. Paris.

Hoved.  
Brompt.

Longchamp  
and the bi-  
shop of Dur-  
ham made  
regents.  
Brompt.  
M. Paris.  
Hoved.  
Diceto.

cester. The archbishop of Canterbury forbade the marriage, by reason of their being too near akin<sup>t</sup>. But there was a sort of necessity for it. The late earl of Gloucester, father of Avisia, for reasons unknown, made prince John his heir. This settlement would infallibly have caused a great law suit, in which there was danger of the prince's being cast, and from thence taking occasion to raise disturbances. The death of his wife, daughter of the earl of Mortagne<sup>u</sup>, made the king easy in that respect. By her death a very natural way offered of reconciling the two parties, by joining them in marriage. And therefore, the archbishop's prohibition, though founded on the canons, gave place for once to reasons of state, and John became also earl of Gloucester in right of Avisia, his wife. However, though Richard had, in a manner, shared his kingdom with his brother, he would not suffer him to have any hand in the government during his absence, lest he should make him too powerful. Nay, led by this fear, he caused him to swear to go and remain in Normandy, but before his departure released him from his oath. To Longchamp his favourite, he committed the regency<sup>v</sup>, jointly with the bishop of Durham<sup>x</sup>. Longchamp was a Norman of mean extraction, who, by his interest with the king, was become bishop of Ely, high chancellor, and the pope's legate over all England. All these dignities, together with the regency, rendered him the most powerful subject that had ever been in England. An historian therefore very justly gives him the titles of prince and pontiff of the English, since all the power spiritual and temporal was united in his person.

After Richard had taken all the care he thought necessary for the government of the state, he was willing to secure its

<sup>t</sup> Henry I. was great grandfather to both. Rapin. She is called by Sandford, Isabella, third and youngest daughter, and coheir of William, earl of Gloucester, son of Robert Consul, natural son of Henry I. Sandf. general. p. 82.

<sup>u</sup> In Normandy. He is styled in two grants in the chamber of the dutchy of Lancaster, Comes Moritonie. On the seals of these grants he is represented on horseback, with a shield hanging about his neck, on which are two lions passant, which are the first arms on any seal of the royal family, being in the reign of Henry II. This seal is falsely depicted in Speed's chronicle, the lions being there passant

guardant, and John's horse caparisoned, a thing not in use till Edward I. The arms for queen Isabel his wife, on the tomb at Fontevraud, are lozengy, or, and gules. Sandf. gen. p. 8.

<sup>v</sup> He made him chancellor, and delivered to him the custody of the tower of London. Brompt.

<sup>x</sup> Who was appointed chief justiciary of all England, and governor of Windsor castle, and the forest adjoining, with the county of Berks. The king divided England between these two regents, so as that the bishop of Durham's jurisdiction reached from the Humber to Scotland, and Longchamp's extended over all the rest of the kingdom. M. Paris.

tranquillity,

tranquillity, by renewing his alliance with the kings of Scotland and Wales. To that end, he desired these two princes to come into England, in order to adjust every thing that might occasion disputes, and thereby take from them all pretence of disturbing the peace of his subjects. The king of Scotland, who had reason to be satisfied, made a strict alliance with him, and as some affirm, sent his brother David to attend him in his voyage with a thousand Scotchmen. Griffin, king of Wales, sent into England his eldest son Rees, but some difference in point of ceremony arising, that prince returned without seeing the king <sup>1</sup>. However, as Richard's affairs with the Welsh were of no great moment, that accident caused him not to delay his voyage.

1189.  
Richard makes an alliance with the king of Scotland.  
Hoved.  
Diceto.  
Hoved.

Every thing being ready for his departure, Richard passed into France, with all his forces, and marched for Marfeilles, where his fleet had orders to expect him. The two armies of France and England joined at Vezelai, according to agreement. As soon as the two kings arrived there, they renewed their alliance, and obliged themselves to protect and defend one another upon all occasions. They agreed moreover, that all quarrels in their absence between their subjects should be superceded till their return. The bishops that attended them thus far, promised to excommunicate all that should attempt to disturb the peace of the two kingdoms. After the two monarchs had concerted whatever was thought necessary to accomplish their designs <sup>2</sup>, they marched together as far as Lyons <sup>3</sup>, where they parted. Philip took the rout to Genoa, and Richard to Marfeilles <sup>4</sup>, where he was to meet his fleet. But he waited there some time to no purpose. A violent storm had so dispersed his ships, that

1190.  
He goes into France and joins Philip at Vezelai.  
M. Paris.  
Gervas.  
Hoved.  
Vinisau.  
Brompt.  
Diceto.  
Ch. Mailre.  
They part at Lyons.  
Brompt.  
Diceto.  
M. Paris.

<sup>1</sup> He came as far as Oxford; but because king Richard did not come to meet him, as his father used to do, he went back in a passion. Hoved.

<sup>2</sup> At Chinon king Richard made some very remarkable orders for the preserving peace in the navy, during the Jerusalem expedition; viz. That if any one killed a man in a ship, he was to be bound to the dead man, and flung into the sea. If any one was convicted to have drawn his dagger or knife to hurt another, or fetch blood, he was to lose his hand. If any one struck another with his open hand, without effusion of blood, he was to be ducked thrice over head and ears in the sea,

If any one gave his companion opprobrious language, so often as he did it, he was to give him so many ounces of silver. If any man stole any thing, his head was to be shaved, and boiling pitch poured upon it, and feathers stuck therein, that so he might be known; and the first land the ship touched at, he was to be set on shore. Hoved.  
M. Paris.

<sup>3</sup> Their army consisted of above one hundred thousand persons. G. Vinisau.

<sup>4</sup> He met there abundance of pilgrims, who had spent all their money, and offered him their service, many of whom he retained. Brompt.

they

1190. they were not yet able to rejoin. Part of the fleet happening to be driven by stress of weather into Portugal, the king of that country made use of the assistance sent him by providence, to relieve the city of Santarin, besieged by the iniramolin [or emperor] of Africa. These hindrances preventing the fleet from arriving at Marseilles by the time the king expected, he could not prevail with himself to wait any longer. Impatient to be at Messina, the general rendezvous of the croissces, he hired some vessels <sup>c</sup> at Marseilles, and imbarcking part of his troops, set sail for Sicily. Some accident obliging him to come to an anchor at the mouth of the Tyber, the pope sent the bishop of Ostia to invite him to come and refresh himself a few days at Rome, but he refused the invitation. Presently after he had the satisfaction to see his fleet arrive with the rest of the army, and continuing his course to Messina, arrived there the 20th of September. The sight of so great an armament caused no less admiration in the Sicilians than jealousy in the king of France, who was vexed to see the forces of his vassal superior to his own. As the stay these two monarchs made in Sicily, occasioned some remarkable events, it will be necessary, to show whence they sprung.

Tancred, who reigned then in Sicily, was natural son of king Roger, who left issue William, surnamed the bad, and Constantia, a nun at Palermo. To William the bad succeeded his son, William the good, who, marrying Joanna of England, sister of Richard, died without heirs. After his death, pope Clement III. who sat then in the papal chair, pretended that Sicily, as a fief of the church, was devolved to the holy see. Mean time, Tancred the bastard found means to be elected, on pretence that Sicily now wanted a king to defend her against the Saracens, who were possessed of part of the island. Clement dying in the mean time, Celestine III. his successor, kept up the same pretensions, and, treating Tancred as an usurper, resolved to exert his utmost to wrest the crown from him, but perceiving he could not execute this design alone, he applied to the emperor Henry VI. of the house of Swabia, and gave him the kingdom of Sicily, in case he could not conquer it. To add another right to that of donation, he caused the princess Constantia to be taken out of the nunnery of Palermo, and dispensing with her vow, married her to Henry, though she was fifty years old. How unlikely soever it was there

<sup>c</sup> He hired twenty galleys, and ten other ships. - Brompt.

should

should be any heirs, Constantia proved with child in her two and fiftieth year. And to remove all suspicion of foul play, she was publickly brought to bed, in a tent, of a son called Frederick. The queen dowager of Sicily having, probably been too far concerned with the pope, Tancred shut her up in prison, where she had been detained ever since. But upon Richard's arrival she was set at liberty, and sent to the king her brother, who was not contented with so slight a satisfaction. He demanded for the queen his sister the Dower assigned her by king William II. her husband, and threatened to use force in case Tancred refused to comply. This demand and the menace that attended it, caused the king of Sicily to look upon Richard as his real enemy. Richard finding Tancred was very backward to give him the satisfaction required, and fearing perhaps some treachery, thought best to provide for his safety.

To that end, he seized a castle and monastery not far from Messina, where he laid up his stores under a strong garrison. Tancred, who was naturally mistrustful, did not question but the king of England was come at the pope's instance, and sought occasion to deprive him of his crown. To frustrate this imaginary design, he caused the inhabitants of Messina, on account of some disorder in their city, to expel all the English, which could not be done without some effusion of blood. Richard, incensed at this outrage, resolved to attack Messina. But Tancred, who was at Palermo, protesting he had no hand in the riot and would punish the authors, he was patient, in expectation of the performance of his promise. Mean time, the Messinians still refusing to open their gates to the English, and Tancred delaying the promised satisfaction, Richard perceived at length, he sought only to amuse him. His indignation was so great, that, without further demanding a reparation, which he had in his power to procure himself, he resolved to enter Messina by force. Accordingly he attacked the city so furiously, that he became master of it in the first assault. He was no sooner entered, but he ordered his banners to be displayed on the walls, even in that part of the town which was allotted to the French. Upon their arrival at Messina, the two kings had agreed, that, in order to prevent quarrels among the soldiers, the city should be divided in two parts, and each nation should have one half to themselves for their necessary occasions. It was therefore manifest, that in setting up his banners in the French division, Richard broke his agreement with Philip. Philip

Richard  
seizes a  
castle near  
Messina.  
Hoved.  
Brompt.  
Diceto.  
M. Paris.

The English  
drove out of  
Messina.  
Diceto.

Richard  
takes  
Messina.  
Brompt.  
Diceto.  
Affronts  
Philip.  
Vinitauf.  
Hoved.  
P. 674.

who com-  
plains of it,  
and Richard  
gives him  
satisfaction.

1190.



Hoved.

p. 674.

Treaty between Rich-  
ard and  
Tancred.  
Aët. Pub.  
i. l. p. 66.  
Viniſauf.  
Brompt.  
Diceto.  
M. Paris.

Hoved.  
Brompt.

1191.



Tancred  
ſows diſſen-  
ſion between  
Richard and  
Philip.  
Hoved.  
p. 688.  
Brompt.

Brompt.  
Hoved.

complained ſo ſharply of it, that the two monarchs would have come to an entire rupture, had not the matter been adjusted by the mediation of the great men on both ſides. Richard, at length, took down his banners proteſting that, without any intention to affront Philip, he only deſigned to compel the king of Sicily to give him ſatisfaction for the injury done to the Engliſh. To ſhew his ſincerity he delivered the cuſtody of Meſſina to the templars, till the difference between him and Tancred ſhould be decided. This agreement being made, Tancred, who till then remained at Palermo, came to Richard at Meſſina, and choſe to ſatisfy his demands. He made a treaty with him, obliging himſelf to pay the queen dowager of Sicily, ſiſter of Richard, twenty thouſand ounces of gold for her dower, and as many to Richard, in lieu of certain legacies, left by William the good to Henry II. his father-in-law. By this treaty, a marriage was agreed upon between Arthur duke of Bretagne, nephew to Richard, and Tancred's daughter. Moreover, Tancred promiſed to fit out ten gallies and ſix large ſhips for the ſervice of the croiſſées. Upon theſe terms, Richard deſiſted from all other pretenſions whatever, and ſubjected his dominions to the pope's cenſures, in caſe he violated his oath. Theſe two princes being, in appearance, perfectly reconciled, Richard made a preſent to Tancred of king Arthur's ſword, to which the Britons had given the name of Caliburn.

Though outwardly Tancred ſeemed ſatisfied, he could not digeſt a treaty, which force alone had compelled him to ſign. He would fain have engaged the king of France in his quarrel, and made a league with him againſt Richard. But this propoſal being rejected, he took another courſe. As it was not in his power to be revenged ſeparately, either of Richard who had offended him, or of Philip who had denied him his aſſiſtance, he attempted to avenge himſelf upon both at once, by ſowing diſſenſion between them. To that purpoſe, he privately warned the king of England, that Philip had ill deſigns againſt him. He even ſhowed him a letter, as he ſaid, from the duke of Burgundy, wherein it appeared that what he told him was not groundleſs. Richard gave ear to this information, and expoſtulated with Philip, who accuſed him of ſeeking pretences to diſſolve their union. The quarrel went ſo far, that the two monarchs came at length to an open rupture. Philip ſent Richard word, that unleſs he conſummated his marriage with Alice, according to his promiſe, he ſhould look upon him as his mortal enemy. Richard as warmly replied, that he could by no means marry a princeſs

princes who had had a child by the king his father, offering to prove it by witnesses then present. Philip not thinking proper to pursue this affair, persuaded as he was, that the honour of his sister might greatly suffer, desisted from his demand. After several conferences, he agreed that Richard should have liberty to marry where he pleased <sup>d</sup>, a liberty which that prince had already taken, by concluding a marriage with Berenguella of Navarre. Philip's moderation <sup>e</sup> seemed to beget an entire reconciliation between the two kings. But Tancred's late information made so deep an impression on the mind of Richard, and what Richard offered to prove concerning Alice, so exasperated Philip, that from thenceforward they were never more friends. However, they made ready for the continuation of their voyage.

1191.

Agreement  
between the  
two kings.  
Aft. Pub.  
t. 1. p. 69.  
Brompt.  
Hovedea.  
Diceto.

An English historian assures us, that whilst they were preparing for their departure, Richard, touched with remorse, made a general confession of all his sins, which was followed by a very visible reformation and amendment of life <sup>f</sup>. It were to be wished, this author had more fully shewn what were the fruits of his repentance. It is surprising to find no other effect of it, but his desire to confer with one Joachim, a Cistercian abbot, whom he sent for. This abbot passed all over Italy for a prophet, and from thence in all likelihood, sprung Richard's desire to see him. It is said, that, preaching one day before the king, he asserted that anti-christ was already born, that he was at Rome, that he would be placed in the papal chair, and exalt himself above all the gods, that is, above all the princes of the earth. Shortly after, the emperor and empress went and received on their knees the imperial crown from the hands of the pope, who, after setting it on their heads, kicked it off with his foot, to shew his superiority. This action afforded ample matter for reflection, to such as were prepossessed in favour of Joachim. They maintained, his prediction was accomplished by that proceeding of the pope.

Hoved.  
p. 68.  
Brompton,  
p. 1190.

Ibid.

The two monarchs, having spent the winter at Messina, prepared for their voyage, as soon as the season permitted.

<sup>d</sup> But king Richard was obliged to pay ten thousand marks of silver for the use of Alice, according to an agreement made between him and Philip. Brompt. Diceto says, it was ten thousand pounds.

<sup>e</sup> Philip moreover granted, that the

sovereignty of Bretagne should, for the future, belong to Normandy. Hoved.

<sup>f</sup> He confessed his sins to the archbishops and bishops that accompanied him, and, stripping himself naked, received the discipline from them. Brompt.

1191.

Hoved.  
Brompt.

Diceto.  
Hoved.

Isaac king  
of Cyprus  
was cruel  
and avari-  
cious.  
Brompt.  
Hoved.

He treats the  
English ill.  
Vinitauf.  
Brompt.  
Diceto.

Richard be-  
comes mas-  
ter of Cy-  
prus.  
Brompt.  
Hoveden.

Philip sailed first <sup>2</sup>, Richard staying for his mother Eleanor, who was bringing the princess of Navarre his bride. These two princesses arrived a few days after Philip's departure, but Eleanor returned home, leaving Berenguella with her daughter the queen dowager of Sicily, who was to accompany the king her brother to the Holy Land. Immediately after, Richard put to sea, with a fleet of one hundred and fifty sail, fifty two gallies, ten large ships laden with provisions, and many small vessels for the service of the fleet. It is no where said what forces embarked on this occasion, but by the number of ships employed in the expedition, it is easy to guess, the English army must have been very numerous. Whilst the fleet was between the islands of Cyprus and Rhodes, a sudden and violent storm arose, which dispersed the ships, and drove part of them on shore on the coast of Cyprus <sup>3</sup>. That isle was then under the dominion of Isaac, of the Comnenian race, who, from being governor under the emperor of Constantinople, had usurped the supreme power, and assumed the title of emperor. He was a covetous and brutish man, that, by his continual cruelties and extortions, had incurred the hatred of his subjects, but they durst not openly shew it. They waited for a favourable opportunity to free themselves from his tyranny, which his own avarice, and the arrival of the English fleet, furnished them with, sooner than they expected. This inhuman prince, instead of assisting the English that were stranded near the port of Limisso, imprisoned those that escaped, and seized their effects. He would not so much as suffer the ship, which had the princesses on board, to enter the harbour, but was so cruel as to leave them exposed to the wind and seas. The fleet, which had been separated, joining again on the coast of Cyprus, Richard heard with indignation, Isaac's barbarity to the English. However, not to retard his voyage, he was contented with demanding the prisoners, and what had been seized. But, the insulting answer he received, made him resolve to attack the island. The attack was so furious, that Isaac was forced to abandon the shore, after seeing a great slaughter of his troops. The English, improving this advantage, went directly and assaulted the city of Limisso, which was taken, and Isaac, with his only daughter, made

<sup>2</sup> Richard gave him several of his ships, and distributed his money about in a very prodigal manner. Brompt.

<sup>3</sup> Three were lost, in which several persons belonging to the king's house

hold perished; and amongst the rest, Roger Malus Catulus, the king's vice cancellarius, or deputy chancellor, who was afterwards found with the great seal about his neck. Brompt.

prisoners.



prisoners<sup>1</sup>. A few days after, the pretended emperor found means to escape, but as none would harbour him, he chose to surrender to the king of England, whom he earnestly besought not to put him in irons. Richard, insulting over his misfortune, granted his request in a literal sense, by commanding him to be bound with silver fetters.

1191.

The taking of Limisso inspiring Richard with the thought of subduing the whole island of Cyprus, he met with few difficulties in that undertaking. The Cypriots were so pleased to find themselves freed from their tyrant, that, without making any resistance, they submitted to a prince whom they looked upon as their deliverer, and who confirmed to them all the privileges enjoyed under the emperors of Constantinople. During his stay in the island, arrived Guy of Lusignan, king of Jerusalem, who had obtained his liberty by the surrender of the city of Ascalon to the sultan. Geoffrey his brother, Raymond of Antioch, Boamond his son, and other princes and lords of Palestine, attended the dispossessed king, who was come to implore the king of England's protection. Here it was also, that Richard consummated his marriage with Berenguella, and not at Messina, as some have affirmed. Before he left Cyprus, he sent Isaac his prisoner to Tripoli in Syria, to be confined there, but for his daughter, she was to go with him to Palestine. His regard for that beautiful princess, gave occasion to suspect, that compassion was not the sole motive of his keeping her near him. This suspicion was confirmed, when he was seen to cool by degrees in his affection to his new queen. But these are particulars fitter for a romance than a history.

Gay of Lusignan comes to Richard. Hoved.

Richard consummates his marriage with Berenguella. Hoved. Vinislaus. Brompt. M. Paris.

Whilst Richard's affairs were so successful abroad, England began to suffer by his absence. He had no sooner crossed the sea, but the two regents disagreeing, came at length, after several disputes, to an open rupture. Longchamp had a great advantage over his colleague<sup>2</sup>, as well by the high posts he enjoyed, as by his abilities, which gave him a supe-

Troubles in England. Hoved. M. Paris. Neubrig.

<sup>1</sup> They were not then made prisoners. Isaac having encamped about five miles from Limisso, Richard came upon him unawares, whilst his men were asleep; but Isaac escaped naked, leaving all his riches behind him, particularly his fine standard, which Richard presented to the abbey of St. Edmundsbury. The next day Isaac came and made peace with Richard, the terms of which see in Brompton, p. 1199, &c. But the soldiers that had been let

to watch him, falling asleep, he escaped, and hid himself in an abbey. Afterwards, his daughter being taken prisoner, and finding himself deserted by all, he surrendered, &c. Brompt.

<sup>2</sup> In 1189, he took, for the king's use, out of every town in England, two saddle and two cart horses; out of every abbey, one of each sort; and out of every one of the king's manors, one likewise of each. Brompt. p. 1171. Hoved. p. 665. M. Paris, p. 157.

riority,

1191. riority, he knew how to improve. By pretending their diffension was very prejudicial to the affairs of the state, he found means to exclude him by degrees from the administration, and assume the whole power to himself. Such an arbitrary act might have been coloured with the necessity of the king's service, had it been done by one of another character. But Longchamp was known to be proud and imperious, and of a boundless ambition, which made him look upon all his dignities, how high soever they were, as below his deserts. He affected to appear in publick with a retinue more numerous and splendid than a king's. This excessive magnificence made an historian say, that when he lodged but one single night in a monastery, he consumed three years revenue<sup>1</sup>. He treated all persons with an intolerable insolence, using his power with a haughtiness scarce to be borne in a crowned head<sup>m</sup>. Besides, he was a Norman, and very partial to the foreigners; qualities, which alone were sufficient to render him odious to the English. The dispossessed bishop writ to the king, who receiving his complaints at Marseilles, sent him his letters patent appointing him justiciary from the Humber to the confines of Scotland. The letters being arrived, the bishop was so unwise as to deliver them to Longchamp, who, under colour of examining them, refused to restore them, and thereby rendered them of no effect. To this imperious act, he added a no less bold enterprise: he ordered the bishop to be apprehended, and detained him in prison till he had delivered certain castles, which gave him too great power in the northern parts<sup>n</sup>.

The haughty conduct of Longchamp.  
Brompt.  
Hoved.  
M. Paris.

Hoved.  
Brompt.

Brompt.

He despises the counsellors appointed by the king.

Richard had appointed six lords for counsellors to the regents<sup>o</sup>. But Longchamp, who was not willing to be advised by any person whatever, never communicated any affairs to these lords. On the contrary, he affected to treat them with extreme contempt<sup>p</sup>. These arbitrary proceedings

<sup>1</sup> He had usually fifteen hundred in his retinue. And had besides guards in his house. Brompt. He was originally but a farmer's son.

<sup>m</sup> The laity found him more than a king, and the clergy than a pope, says Brompton.

<sup>n</sup> The castle of Windfor, Newcastle upon Tyne, the earldom of Northumberland, and the manor of Saberg, &c. Brompt.

<sup>o</sup> Their names were Hugh Bardolf, William earl of Albemarle, William

earl marshal, Geoffrey Fitzpeters, William Brewer, Robert de Wirefield, and Robert Fitzreinfield. Brompt. Hoved. Prince John, and other great men, writ to the king at Messina, who sent from thence the archbishop of Roan, and William Marechal earl of Pembroke, with orders that Longchamp should be guided by them, and the other counsellors here mentioned. Hoved.

<sup>p</sup> Among other instances of his insolence, Gerard de Camville having bought

ings obliged, at length, the bishop of Durham, and the six counsellors, to carry their complaints to prince John, who had still the title of earl of Mortagne; which he bore during his first marriage. The young prince readily promised them his protection, being glad their discontent afforded him pretence to interpose in the administration, from which he thought himself unjustly debarred. From that time improving the disaffection of the great men to the regent, he managed them so dexterously, that each promised to second him, and the downfall of Longchamp was resolved. There was nothing wanting but a pretence, which quickly after presented itself.

1191.  
They complain to prince John.  
Hoved.

Some time before Richard's departure to the Holy Land, Geoffrey, his bastard brother, was elected archbishop of York. Whether his consent was not asked <sup>1</sup>, or he designed that dignity for another, this election was displeasing to the king <sup>2</sup>. In his passion with Geoffrey, he was going to order him into custody <sup>3</sup>. However, upon Geoffrey's protesting he did not intend to insist upon his election, he pardoned him, on condition he would never apply to the pope for his confirmation. Moreover, he enjoined him, on pain of his displeasure, to remain in Normandy till the expedition to the Holy Land was over. After the king was gone, Geoffrey, contrary to his promise, demanded and obtained the pope's bull, to confirm his election, and without vouchsafing to give the regent notice, designed to repair into England and take possession of his dignity. Longchamp being advised of what passed, sent orders to Dover to apprehend

The occasion of Longchamp's downfall.  
Brompt.  
Gervas.  
Diceto.

Hoved.  
Brompton.

Diceto.  
Hoved.  
Mat. Paris.

bought of king Richard the government of the castle of Lincoln, and of the country adjoining, Longchamp ordered him to resign it to him; which Camville refusing to do, Longchamp went about to compel him thereto by force, and besieged the castle. Whereupon prince John sent him orders to desist, and, soon after, the chancellor made his peace with him. But upon the arrival of foreign troops, sent for by Longchamp, he resolved either to die in battle, or to drive prince John out of the kingdom. At last they were reconciled. Brompt.

<sup>1</sup> He was elected by order of king Richard. Brompt.

<sup>2</sup> The reason of the king's anger was, that he having filled the deanry, treasurer'ship, and some other dignities in the church of York, Geoffrey

swore that those promotions should not stand good without his consent and approbation; upon which a great quarrel arose between the king and him. Hoved. Besides, Geoffrey refused to be consecrated by Baldwin, archbishop of Canterbury, and make to him profession of canonical obedience. Brompt. Gervas.

<sup>3</sup> Geoffrey seeing his brother's affection could not be obtained without money, promised him three thousand pounds, and then he was put in possession of the temporalities of the archbishoprick. The king also confirmed to him all the lay-fees granted him by his father, viz. Wicumb in England, the earldom of earl Giffard in Normandy, and the honour of Baugi in Anjou. Brompt. Hoved.

1191.

He is cited,  
accused, and  
condemned.  
Brompton.  
Hoved.  
M. Paris.

him. Accordingly, upon his arrival, the bishop had but just time to get into a 'church', where he thought himself safe from all insults. But this precaution not preventing the execution of the regent's orders, Geoffrey was drawn from the altar, and imprisoned in Dover castle. Prince John took occasion from this outrage to act openly against Longchamp. As he found himself supported by all the lords, he sent him positive word to release the archbishop. Longchamp not being disposed to receive such absolute orders from a prince, who had no right to command him, refused to comply. This was directly what John wanted. A few days after, the regent was summoned to appear before an assembly of lords spiritual and temporal, convened at London in St. Paul's church. The combination was so strong, that Longchamp saw himself on a sudden forsaken by all, and constrained to appear before the assembly, which was bent upon his ruin. He was charged with exceeding his commission in divers particulars, chiefly with usurping to

\* Before he landed he changed his clothes, and the moment he arrived, mounting a swift horse, got to the monastery of St. Martins, in Dover, or rather Canterbury, and taking sanctuary in the church, he was dragged from the altar in his episcopal vestments through the dirty streets, and delivered to Matthew de Clerc, constable of Dover castle, who had married Longchamp's sister. Hoved. Brompt. Gervas.

† Brompton says, Longchamp had sent his two brothers to the king of Scots, to concert measures with him to place the crown on prince Arthur's head, in case king Richard died in his expedition. This prince John had been informed of.

‡ Prince John gathered numerous forces together, not only out of the counties belonging to him, but also out of Wales; and was joined by several earls and barons, as also by the bishops of Winchester, Bath, and Chester or Litchfield: and then sent Longchamp word, that if he did not set the archbishop at liberty, he would come and rescue him by force. So the chancellor, frightened at the prince's threats, released the archbishop; who went immediately and complained to prince John of the indignity that had been offered him: for which Long-

champ refusing to make satisfaction, the archbishop of Roan and six bishops denounced the sentence of excommunication against him, and summoned him to appear before prince John and them at Reading on a Sunday; but he took no notice of the summons, though he was no further than Windsor. Hearing that prince John was advancing towards London, he hastened thither, and shut himself in the tower, Brompt. Gervas. Dicto. Hoved.

§ He did not appear before them, but kept himself shut in the tower of London. Brompt. Prince John, with the earls and barons and the citizens of London, besieged him in the tower. After he had held out one night, he desired leave to go out of the kingdom: which was granted him, but upon condition he should resign the castle he was possessed of to some certain persons; accordingly he gave sureties for the performance of it. From thence he went to Canterbury, and afterwards to Dover, where he spent some time with Matthew de Clerc, his brother-in-law, constable of the castle; and here, attempting to go out of the kingdom after he had given caution, and after the lords justices had given the inhabitants of Dover orders not to let him go out of the realm, he was served in the manner related by Rapin. Brompt.

himself

himself the authority which ought to have been shared between him, the bishop of Durham, and the six counsellors. The archbishop of Roan <sup>1</sup> and the earl of Pembroke complained also, that having received a patent from the king, dated at Messina <sup>2</sup>, whereby they were made joint commissioners with Longchamp in the government, that prelate would never consent they should have any share in the administration. Some historians however affirm, these two lords durst not show their patent to the regent <sup>3</sup>, for fear he should serve them as he had done the bishop of Durham. Be this as it will, upon these accusations Longchamp was turned out of the regency <sup>4</sup>, which was lodged in the hands of the archbishop of Roan, till the king's pleasure should be known <sup>5</sup>. They took from him likewise the custody of the tower of London and of Windsor castle <sup>6</sup>, with which the archbishop of Roan was invested. Not content with this severity, his enemies compelled him by threats to lay down his legate's cross in the church of Canterbury, after which, he was thrown into prison. Some days after he found means to escape, but was seized again on the sea-side, disguised in a woman's habit, with a bundle of linen under his arm. In this garb he was carried to Dover castle, with a great mob at his heels <sup>7</sup>. However, prince John dreading the pope's resentment, if he detained his legate in prison, ordered him

1191.

Diceto,

Hoved,

p. 687.

Brompt,

He is ooted

of all his

posts,

Brompt,

and impeli-  
foned,

He escapes,

and is taken

again ;

Brompt,

<sup>1</sup> Canterbury is here put by mistake in the French for Roan ; for it was the archbishop of Roan and not of Canterbury that was joined in commission with William Marekal ; earl of Pembroke, and Geoffrey Fitzspeers ; Baldwin archbishop of Canterbury went with the king, and died during the siege of Acon.

<sup>2</sup> Which the king granted them, when he heard of Longchamp's misdemeanors. Diceto.

<sup>3</sup> They did not shew it till now, when they produced it before the parliament. Brompt.

<sup>4</sup> By a parliament. Brompt. Diceto.

<sup>5</sup> Diceto says, that the king ordained in his letters patent, that in case Longchamp did not faithfully manage the affairs of the kingdom according to the advice of his counsellors, they might act without him, particularly he enjoined that nothing should be transacted without the archbishop of

Roan, whom, as he said, he had sent over for the better defence of the kingdom ; which, if true, vindicates the proceedings of that assembly. Diceto.

<sup>6</sup> And of the castles of Cambridge, Dover, and Hereford. Diceto.

<sup>7</sup> As he was sitting on a rock, waiting for a boat with an oar in his hand, and a parcel of linen, as if he had been a pedlar ; a seaman came by, and taking him for a woman went to kiss him ; and then offering at farther indecencies, discovered him to be a man ; but however marched off without saying any thing. A little after, some women coming by began to cheapen his linen ; but being a Frenchman, and understanding little English, he could make them no answer. Finding he would not speak, they pulled up the hood which was over his face, and then presently saw his black beard upon which, crying out, the people came running in, and used him in the manner above. Hoved, p. 400.

1191.

Brompt.  
Hoved.  
Diceto.  
The pope orders the bishops to excommunicate prince John, which they refused to do.  
Brompt.

John interposes in the administration.  
Forms projects to secure the crown.  
Hoved.

to be set at liberty<sup>f</sup>, with permission to retire into Normandy<sup>g</sup>. As soon as he found himself safe, he writ to the pope and the king, setting forth the ill treatment he had met with. This letter came very late to the king, but the pope, who was much sooner informed of the affront done his legate, was extremely incensed at this contempt of the legatine character. Without staying to hear what prince John could alledge in his defence, he sent express orders to the bishops to excommunicate him. John, terrified at the pope's menaces, would have restored Longchamp, if the bishops themselves who dreaded to be again under that imperious prelate, had not opposed it. Thus the pope's orders lay unexecuted, and Longchamp durst not return into England<sup>h</sup>.

The deposing of the regent procuring the prince an opportunity of having a greater share in the government than the king his brother desired, he made use of it to pave his way to the crown. If he had not then thoughts of taking advantage of the king's absence to mount the throne in his life-time, it is at least certain his aim was to secure it, in case the king died during his expedition. He was sensible, there was another prince that had a better title than himself, namely, Arthur duke of Bretagne, his nephew, son of his elder brother Geoffrey. This made him take beforehand such measures as should free him from the competition of that rival. His sole care was to render himself popular, in order to gain the affection of the English, particularly the Londoners, whose privileges he caused to be confirmed by an assembly general. This won him the hearts of the citizens to such a degree, that when they swore fealty to the king, they voluntarily made a solemn promise to receive John for their sovereign, in case the king died without issue. In this manner did the prince gain ground by degrees and endeavoured by secret practices, to secure a party capable of supporting him against his nephew, and which he would have afterwards used in much blacker designs against the king his brother. Mean time, Richard, by his valiant exploits, which attracted the admiration of the whole world, was rendering his name immortal<sup>i</sup>, and inspiring the Saracens with

<sup>f</sup> After eight days imprisonment. Then a parliament was called, which approved of, and confirmed the archbishop of Roan, &c. as justiciars of the realm. Brompt.

<sup>g</sup> He went to Flanders, thence to Paris, and afterwards to Normandy,

October 29. Brompt.

<sup>h</sup> While he had the custody of the tower of London, he built a wall, and made the ditch that is round it. Brompt. M. West.

<sup>i</sup> Before he left Messina, in October, he made a law concerning shipwrecks,

with a dread of the approaching downfall of their empire. 1191.  
 But before I relate that prince's actions in Palestine, it will be proper briefly to shew the then state of the Holy Land, and what had passed there since the recovery of it by the christians.

All the conquests made by the christians in the east, were erected into a kingdom, of which Godfrey of Bouillon was the first king. This kingdom consisted of Palestine and part of Syria, taken from the Saracens. Godfrey reigned about one year <sup>k</sup>. Baldwin his brother succeeded him, and governed eighteen years, leaving the crown by his death to his cousin Baldwin II. who enjoyed it thirteen years. Fulk, earl of Anjou, marrying his daughter, became king of Jerusalem after his father-in-law's decease, and reigned eleven years. He had by his first wife Geoffrey, earl of Anjou, and father of Henry II. king of England. By his second wife, Fulk had two sons, of whom Baldwin the eldest sat on the throne of Jerusalem twenty four years, and was succeeded by his brother Almeric, who reigned twelve years. Baldwin IV. his son and successor, finding himself childless, and without hopes of issue, made his nephew Baldwin, son of his eldest sister Sibyl, by William of Montferrat, his heir. He died after a reign of twelve years, leaving the guardianship of young Baldwin V. and the regency of the kingdom to Raymund, earl of Tripoli. Mean time Sibyl, the king's mother, married Guy of Lusignan, who, in right of the princess his wife, claimed the guardianship of the king, and the government of the state. The earl of Tripoli in vain opposed his pretensions by urging the late king's will. Guy, supported by his wife, seized the regency, and quickly after became king himself by Baldwin's decease, not without suspicion of having hastened his death by poison, in order to mount the throne. This revolution soon proved the occasion of one more fatal. The earl of Tripoli preparing to dethrone Guy, whom he looked upon as an usurper, and the murderer of the late king, unfortunately for the christians of Palestine, Guy bethought himself of applying to Saladin, sultan of Egypt, for aid. The infidel prince gladly embraced so fair an opportunity of recovering a coun-

The affairs of the kingdom of Jerusalem. Brompton.

The cause of the loss of Jerusalem. Vinislaus.

wrecks, namely, that every person which suffered shipwreck, and got safe on shore, should enjoy all his goods; but if he died on ship-board, his children or other nearest relations were to have the goods, according as they could

make out their being next of kin; but if they had no heirs nor near relations, then the king was to have their goods. Brompt.

<sup>k</sup> He was crowned with a crown of thorns in the year 1099.

1191.

Saladine be-  
comes ma-  
ster of Pa-  
lestine,  
Vinisauf,  
C. Malheri.  
An. Mangan.

and of Jeru-  
salem.  
Id.

The christi-  
ans besiege  
Acres.  
Vinisauf,  
Brompton.  
Hoveden.  
M. Paris.

Phillip ar-  
rives and  
then Ri-  
chard.  
Vinisauf.  
The city  
surrenders.

try, from whence his predecessors were expelled ninety years before. Under colour of assisting the king of Jerusalem, he entered Palestine with a formidable army, and immediately took Acres or Ptolemais, Afotus, Berytus, and some other places. At first he pretended to act only for the king, but at length he thought he might safely pull off the mask, and openly shew, that his design was to drive the christians out of Palestine. In vain did Guy, who too late was sensible of his error, shut himself up in his capital. As the city was but ill provided, it was not possible for him to hold out above a month, or escape falling into the hands of his enemy. After which, he was forced to deliver up Ascalon to the sultan to obtain his liberty. Thus Saladine found means to destroy at once both the competitors, whose quarrel furnished him with an opportunity to carry his arms into Palestine.

For the recovery of this lost kingdom, the kings of France and England had undertaken the present expedition, with numerous armies consisting of all the nations in Europe, but chiefly of the French and English. Before Philip's arrival in Palestine, Guy of Lusignan, Conrade, marquis of Montferrat, James of Avesnes, and several other princes and lords, with some German, Flemish, and Italian troops had begun the siege of Acres, which had now lasted a whole year. As soon as Philip, who sailed first from Messina, landed his men, he encamped round the city, and continued the siege, though with little success. Richard arriving afterwards with fresh troops, vigorously carried it on, and at length, after divers fruitless attempts to raise the siege, Saladine surrendered the city by capitulation<sup>1</sup>.

<sup>1</sup> This city surrendered, July 12. Upon what terms, see in Ann. Burton, p. 251. Brompt. p. 1205. Diceto, p. 661. The siege is said to last above two years, and the author of Richard's travels to Jerusalem affirms, that three hundred thousand pilgrims perished in this siege. Among whom were many princes and noble persons, viz. Conrade, duke of Servia, and several foreign earls; Baldwin, archbishop of Canterbury; Ralph de Glanville, chief justice of England; William de Mandevill, William earl Ferrers; and some whose posterity still flourish, as Ingelram de Fiennes, ancestor of the lord Say and Seal; the lord Dacres; Theophilus Clinton, earl of Lincoln, whose arms retain the

badge of the holy war, stars, crescents and crosses; as also St. John, Myndhall, Tilney, Scrope, Pigot, Laiburne, Mowbray, Talebot, Malet, &c. See Brompt. Hoved. The 13th of July, Acres was equally divided between the kings of England and France; the person appointed by the king of England to see it done, was Hugh de Gurnay; and by the king of France, Drogo de Marlon; each of them was attended with one hundred soldiers. The earls and barons that attended the two kings in this expedition, desired, they might be sharers in the gains, as well as in the labour, but receiving no satisfaction, most of them were forced to sell their arms, and return home. Brompt. Hoved.

Among



Among the occurrences of this famous siege, I must not forget one, which though in itself of no great importance, was attended with consequences very remarkable, and withal very fatal to the king of England. In an assault made by the christians, Leopold duke of Austria taking one of the towers, ordered his banner to be erected. Richard deeming this action an injury to the two kings, who commanded in chief, sent some of his men to pull it down and tread it under foot. Leopold resented this affront very heinously, but, as it was not in his power to be revenged, concealed his resentment till he had an opportunity to show it. Unhappily for Richard, this opportunity offered when he least expected it, and it will be seen in the sequel, that the duke of Austria was but too fully revenged.

1191.

Richard  
affronts the  
duke of  
Austria.

The taking of Acres seemed to encourage the two kings to form fresh projects. But just as the christian army expected to march to Jerusalem, the dissension which arose between the two leaders, frustrated their expectations. Since their junction, Richard had acquired a certain superiority, which extremely mortified the king of France. The number and good condition of his forces, his personal valour, of which he had given several proofs at the siege of Acres, and the very taking of that city, of which he had all the honour, gained him the particular esteem and regard of the whole army. Philip could not bear to see a distinction so advantageous to the king of England. His jealousy shewed itself on all occasions, but as he durst not openly complain that his rival was more respected than himself, he sought other pretences to colour his resentment. The first he used was to demand of Richard half the isle of Cyprus<sup>a</sup>, pretending they had agreed to share all their conquests. Richard made answer, their agreement related only to what was conquered upon the infidels<sup>a</sup>. Adding, that Philip understood it in that sense, since he had taken to himself what belonged to the earl of Flanders<sup>a</sup>, who died at the siege of Acres, without ever thinking to give him a share. To this was joined another occasion of quarrel. The crown of Jerusalem was in dispute between Guy of Lusignan, and Conrade marquis of Montferrat, Richard took Guy's part, and Philip open-

Dissension  
between the  
two kings.  
Vinisau.  
Brompton.  
Diceto.

Brompt.  
Hoved.

Brompt.

<sup>a</sup> By the persuasion of Conrade, marquis of Montferrat, Brompt, p. 1202.

<sup>a</sup> The words of the agreement were, upon the Saracens in the land of Israel. Brompt. *ibid*.

<sup>a</sup> King Richard told him, if you will give me the half of Flanders, and of the other dominions you have acquired by the death of the earl of Flanders, I also will give you half of Cyprus. Brompt.

1191. ly declared for the marquis. The grounds and reasons of their respective pretensions were briefly these.

The state of the case between Guy of Lusignan, and the marquis of Montferrat. Vinifaus. Brompt.

Almeric, king of Jerusalem, had by his first wife, of the house of Courtenay, Baldwin IV. his successor, and a daughter called Sibylla. By his second wife, niece to Emanuel, emperor of Constantinople, he had a daughter named Isabella. Sibylla was married first to William of Montferrat, by whom she had Baldwin V. heir to Baldwin IV. his uncle. Sibylla's second husband was Guy of Lusignan, by whom she had several children, who all died before their mother. Isabella, sister of Sibylla, by a second venter, had also two husbands. The first was Humphrey de Toron, who refused the crown offered him by the barons of Jerusalem, after the death of Baldwin V. Her second husband was Conrade, marquis of Montferrat, who claimed the title of king of Jerusalem, in right of his wife, whose eldest sister was lately dead without issue. The question therefore was to know, whether Guy of Lusignan ought to keep the title of king of Jerusalem, after his wife Sibylla's decease, or resign it to the marquis of Montferrat, whose wife was then sole heiress of the kingdom. Indeed, they were disputing about an empty title, for Saladin was master of the capital, and of almost all the country. But however, the title was of consequence, at a juncture when it was expected, the kingdom would be restored by the arms of the croisces. Philip espoused the cause of the marquis of Montferrat, and perhaps for that very reason Richard supported Guy of Lusignan; so jealous were these monarchs one of another: scarce a day passed, but something or other happened which served to inflame their mutual enmity. Philip was jealous of Richard's glory, who, in his turn, complained that Philip, out of spite and envy, obstructed the progress of the arms of the christians. In the midst of these contests, they were both seized with the same distemper<sup>1</sup>, of which they were like to die, but escaped with the loss of their hair.

Moved.  
M. Paris.  
Heming-  
ford.

Moved.  
Brompt.

1192. After their recovery, Richard appeared more eager than ever to pursue the conquests upon the infidels. But Philip resolved to return to France, his weakness caused by his late illness scarce permitting him any more to enter upon action. But he had another and no less powerful reason, which was, his extreme impatience to take possession of Artois, fallen to him by the death of the earl of Flanders. He imparted this resolution to Richard, who seemed very much surprised at

Philip re-  
turns home.  
Vinifaus.  
Brompt.  
Diceto.  
Hoved.  
M. Paris.

<sup>1</sup> Called by the historians Arnaldia. Brompt. Moved.

it, fearing that Philip in returning to Europe, had some design upon his dominions in France. One of the articles of their agreement was, that neither should desert the cause without the other's consent. Richard insisted upon that article, and refused to agree to Philip's departure, before they were masters of Jerusalem. However, as he could not constrain him to stay, he left him to do as he pleased, upon his taking a solemn oath, in the presence of the bishops and principal officers of both armies, not to attack any place belonging to Richard, either in France or in England, till forty days after Richard's return into his own territories. Upon quitting Palestine, Philip left ten thousand men under the command of the duke of Burgundy, publicly ordering him to pay the same obedience to the king of England as to himself<sup>1</sup>. But in all likelihood, he gave him other instructions in private. This Mezerai seems to own, when he says, Richard would have become master of Jerusalem, if the duke of Burgundy's jealousy had not obstructed it.

A little after the king of France's departure, Richard and Saladin exhibited a spectacle of horror to their armies, by commanding the prisoners each had in his power, to be put to death<sup>2</sup>. It is difficult to determine which of the two princes was the first author of this barbarity. Some historians lay the blame on Saladin, others accuse the king of England. These last seem to me to have most reason. The Saracen monarch refused to perform the articles of the surrender of Acres<sup>3</sup>, whereas no other reason is alledged that could induce the infidel to this cruelty but his natural fierceness, though he appears upon other occasions to have been a very generous prince. Thus much is certain, the duke of Burgundy, following Richard's example, ordered also what captives were in his hands to be beheaded. I do not pretend to determine what may be the law of arms, with

Philip's oath to Richard.  
Vinislaus.  
Brompt.  
Hoved.

Hoved.

Mezerai.

Richard and Saladin kill their prisoners.  
Hoved.  
Vinislaus.  
Brompt.  
Hemingford.

<sup>1</sup> And yet when he came to Italy, he complained to the pope and cardinals, that Richard had driven him out of the Holy Land, and desired leave of the pope to revenge himself for it upon Normandy, and his other dominions. He arrived at Paris, December 27, 1197. Diceto. M. Paris.

<sup>2</sup> This was August 18, Richard beheaded his prisoners August 20, Brompt, Hoved.

<sup>3</sup> It was article, that three thousand captives should be delivered, and that the Turks should redeem their

heads by paying a certain sum of money, and remain in custody till payment was made. And that in case these articles were not made good within forty days, they should be at the king's mercy for their lives. Saladin pretending these conditions were not with his approbation would not perform them, Upon which it is likely Richard began with beheading the Turkish captives, Hoveden says, to the number of five thousand; but Vinislaus reckons but two thousand seven hundred, p. 346. Brompt.

1192. respect to prisoners whose sovereign refuses to permit a capitulation, or how far reprisals may extend. But methinks one can hardly be mistaken in saying, that whoever goes to the extent of his power, on such occasions, is in danger of committing a great injustice. Be this as it will, instances of the like barbarity are very rare in history.

*The siege of  
Ascalon re-  
solved upon.  
Vinisauf.  
Brompt.*

After the departure of the French, Richard held a great council of war, where the siege of Ascalon was resolved. To execute this project, he marched along the sea-side, whilst his fleet, freighted with all manner of stores, rowed in sight of the troops, and supplied them with necessaries. Saladin having intelligence of the croissés designs, posted himself advantageously in their way, with an army of three hundred thousand men. Whatever disproportion there might be between their forces, Richard resolved to attack him. He was sensible, could he defeat that army, not only the taking of Ascalon would be the fruits of his victory, but even the siege of Jerusalem would become much less difficult; on the contrary, if he declined the fight, such a numerous army of infidels would continually obstruct the execution of his designs.

*Richard ob-  
tains a great  
victory over  
Saladine.  
Brompt.  
M. Paris.*

Pursuant to this resolution, he approached the enemy, and drawing up his army, undauntedly marched against them. James de Avesnes commanded the right wing, the duke of Burgundy the left, and the king headed the main body. Saladin had concealed part of his army, on his right side, behind some hills, which prevented the christians from seeing them. As he expected great matters from this ambuscade, he resolved not to lose the advantage of the ground. Accordingly, without stirring from his post, he waited for the enemy to attack him.

*Description  
of the battle.  
Vinisauf.*

The right wing of the christians beginning the fight, the Saracens received James de Avesnes with a resolution, which, supported by the superiority of their number, put that body in such a disorder that it could not be repaired for a considerable time. James de Avesnes was slain in striving to revive the courage of his frightened troops, and bring them again to the charge. At the same time the duke of Burgundy furiously attacked the right wing of the Saracens, which, pursuant to the general's orders, retreating as they fought, caused the duke to advance, with more courage than conduct, a good way beyond the body of the army. Saladin, finding all in good order on his left, and that the duke of Burgundy with his left wing was detached from the rest of the army, ordered the body that lay concealed to move forward. These troops descending down the hills

in

in great multitudes, surrounded the wing commanded by the duke of Burgundy, and made a terrible slaughter.

1192.

It lay then upon Richard to save the honour of the christians, and repair their loss. He had fought on his side with better success, and though he had met with a stout resistance in the body that opposed him, had compelled them to retreat in disorder. He was still pursuing his enemies, when he was informed of the ill state of his right wing, and the danger of his left. Upon which, he gave over the pursuit, and marching to the duke of Burgundy's relief, fell upon the victorious troops of Saladin, in order to wrest from them a victory of which they thought themselves sure. On this famous occasion he was seen to perform such astonishing acts of valour, that those who envied him most, could not but admire him. Some tell us he was personally engaged with Saladin, and, dismounting him, would have taken him prisoner, had not the Saracens used their utmost efforts to rescue him out of his hands. Be this as it will, thus much is certain, that Richard's valour so altered the state of the battle, that Saladin saw himself obliged to reinforce his right wing, with part of the victorious troops of the left. This motion, which could not be done without causing some disorder, gave the right wing of the christians time to come to themselves. Finding they were not so vigorously pressed as before, they quickly rallied, and falling furiously on the Saracen troops that opposed them, forced them at length to take to flight.

Brompt.  
p. 1215.

Mean while, Richard maintained the fight on the left, with a firmness that seemed more than natural, in spite of the superiority of his enemies, who had drawn all their forces against him. He was however in danger of being overpowered by numbers, had not his right wing, which met with no farther resistance, come to his aid. Then the Saracens, finding they were attacked in flank by the fresh troops, began to break their ranks with such confusion, that it was not possible for Saladin to rally them. The christians taking advantage of their disorder, pressed them so vigorously, that they entirely routed at length that prodigious army. Thus Richard, by his valour and conduct, obtained a complete victory over the enemies of the christian name, of whom forty thousand lay dead in the field of battle. James de Avesnes was the only officer of distinction that was slain on the side of the christians.

Brompton.

After this important victory, Richard continued his march to the maritime cities of Ascalon, Joppa, and Cæsarea, which

1193.

Richard re-  
pairs the ci-  
ties Saladine  
had dis-  
mantled.  
Vinifauf.  
Brompt.  
Diceto.  
Howd.

which Saladine thought fit to abandon after demolishing their walls. It was of the utmost consequence to the christians to repair these cities, and erect magazines for the army, when they should be farther advanced into the enemy's country. This, probably, was the sole reason which obliged the victorious prince to stay some time at Joppa. Some, however, have taxed him with not improving his victory, by marching directly to Jerusalem. But I cannot tell whether he is to be blamed upon their authority. There are so few capable of judging rightly of these matters, especially when the circumstances are but imperfectly known, that I do not think it prudence to pass one's verdict thereon.

A great de-  
liverance of  
Richard.  
Vinifauf.  
p. 1241.

During Richard's stay at Joppa, an adventure befel him, which had like to prove very fatal to him, and from which he was delivered by a sort of miracle. One day, being tired with hunting, as he lay asleep under a tree, with only six persons about him, he was roused by the sudden approach of some Saracen horse, who were near the place where he slept. As they were but few in number, he had no dread upon him, but immediately mounting his horse, rode after them, which they perceiving, feigned to fly before him, and by that means drew him into an ambuscade, where he saw himself surrounded on a sudden by a squadron of horse. He defended himself a long time with a wonderful bravery, without any thoughts of retreating, notwithstanding the number of his enemies. At length, four of his attendants being killed, he was upon the point of being slain or taken, when William Despreaux<sup>t</sup>, one of his company, cried out in the Saracen language, I am the king of England. At which words, those that were fighting with Richard, left him, to have a share in the taking of Despreaux, whom they imagined to be the king. This device gave Richard time to ride off full speed, whilst the Saracens, content with their success, conducted their prisoner to Saladine. Despreaux had the prudence not to discover himself till he came before the sultan, to whom he ingenuously confessed what he had done to save his master. Saladine commended his fidelity, and did him great honour. But as he was very sensible, Richard would never suffer one that had done him so signal a service to remain long a captive, he set his ransom so high, that he got ten emirs, or Saracen princes, in exchange for that faithful servant.

Brompt.  
p. 1250.

<sup>t</sup> De purcellis, or parcel. Brompt.

As soon as the maritime places were sufficiently repaired, Richard marched to Jerusalem, which he had resolved to besiege. In his way he had the good fortune to meet the Babylon caravan, carrying to Jerusalem a vast quantity of rich merchandizes and provisions of all kinds. The caravan was guarded by ten thousand horse, who finding themselves near the christian army, would immediately have retreated. But Richard taking with him five thousand chosen horsemen, fell upon them with great fury, and putting them to flight, became master of the caravan. He took on this occasion three thousand loaded camels, and four thousand horses or mules, with an inestimable booty, which he ordered to be distributed among his soldiers. After this happy success, continuing his march to Jerusalem, he came to a hill, from whence he had the pleasure to survey that famous city, the taking of which was the chief end of his expedition. Mean time, as the country round was destitute of forage, he saw himself under the fatal necessity of deferring the siege till the spring. This delay furnished his enemies, and those that envied him, with a pretence to desert him. The duke of Austria led the way, and the duke of Burgundy quickly followed him, not being able to bear the thoughts of contributing any longer to the glory of a prince whom he considered as the king of France's rival. His death, which happened at Acres as he was going to embark, prevented not the French troops from sailing to Europe. The retreat of the Germans and French, the marquis of Montferrat's refusal to assist with the Italian troops in a conquest to which he laid claim, but was designed for another: the news Richard received of what passed in England: his apprehensions that Philip would take advantage of his absence and declare war against him: the decrease of his troops, as well by sickness as battles: all these reasons were but too capable to make him think of retreating, and were sufficient to justify his truce with Saladine, without regarding the vain declamations of those who confidently blamed him for de-

1192.

He takes the great Babylon caravan. Vinisau. R. Diceto. Hoved. M. Paris. Brompt. He comes within view of Jerusalem, and puts off the siege till the spring. Hoved. Brompt.

The dukes of Austria and Burgundy desert. Hoved. M. Paris. Brompt.

The Italian troops refuse to serve any longer. Hoved. Vindictism of Richard.

\* M. Paris says Saladine bribed him to go away.

† Immediately after his return to his dominions, he loaded king Richard with calumnies, and had a conference, January 22, 1192, between Gisors and Trie, wherein he demanded of William Fitzralph, seneschal of Normandy, his sister Alice, but the seneschal re-

fused to send her, though Philip shewed him the convention made between king Richard and him at Messina. After that, the king of France gathered a large army together, and would have invaded Normandy; but the great men of his kingdom would not let him. Hoved. Brompt.

setting

1192.

serting the cause, when within view of Jerusalem<sup>x</sup>. It is easy to see, that with the few troops that remained, it was not possible for him to accomplish an enterprise of so difficult a nature as was then the siege of that city. During the whole winter the Saracens had found time to lay in all manner of stores, and the garrison was little inferior to the christian army. Saladine having notice of Richard's design to retire, thought it his interest to hasten the departure of so formidable an enemy, by offering him a three years truce. All the principal officers of the christian army, joyfully embraced this offer. Every one was glad, after so many hardships, to go and enjoy some repose in his own country. Richard therefore accepted of the truce, which was proposed upon these conditions: that the city of Ascalon should be dismantled, and not fortified again by either party during the truce: that Joppa or Jaffa, and Acres or Ptolemais, should remain in the hands of the christians, with the rest of the cities they were possessed of in Palestine: that the christians should have liberty to go in pilgrimage to Jerusalem without charge, and free commerce throughout all Saladine's dominions. The treaty being concluded, Richard sent Saladine word, that he might depend upon seeing him again, to try once more to recover the Holy Land out of his hands. The sultan, with a politeness that favoured not of the barbarian, replied, that, if it must be his fate to lose that part of his dominions, he had rather it should be to the king of England, than to any other monarch in the world. Thus ended the famous crusade, which had drained France and England both of men and money. It proved of very little benefit to the eastern christians, whilst it ruined those of Europe, by the prodigious sums therein expended. But that was not all, it became the occasion of destructive wars between France and England, as we shall see presently.

The marquis of Montferrat elected general of the christians in Palestine. Brompt.

He is assassinated. Hemingsf.

Richard, fearing that in his absence Saladine would break the truce, assembled the principal officers of the army, in order to elect a general capable of commanding the troops designed to be left in Palestine. The choice fell upon the marquis of Montferrat, to Richard's great surprise, who had openly declared against him. However he gave his consent, and sacrificed his private resentment to the publick good of the christians. Shortly after, the marquis was stabbed by two villains, sent for that purpose by the old man of the

<sup>x</sup> The French historians have cast many false and rude aspersions upon

king Richard, as if it had been his fault that Jerusalem was not taken.



mountain : for that was the appellation given to the head of a fort of people inhabiting about Antioch, called Chassins, or some such name. The old man of the mountain always kept in his service a set of people devoted to his will, whom he dispatched into all parts of the world upon the like occasions. Hence the French called him the prince of the assassins, or perhaps the word assassin is derived from the name of these people <sup>7</sup>. As the author of this murder was at first unknown, Richard, because he was no friend to the marquis, was by some suspected. But the marquis himself was so far from such a thought, that, just as he died, he ordered his wife to deliver into the hands of the king of England the city of Tyre, of which he was in possession. After the death of the marquis of Montferrat, Richard so ordered it, that Henry earl of Champagne, his, as well as the king of France's nephew, was chosen in his place. After which he caused him to marry Isabella, the deceased's widow, who brought him for her dowry the titular kingdom of Jerusalem. As for Guy of Lusignan, the king made up his loss of an empty title with the real donation of the kingdom of Cyprus, though he had sold it before to the templars. Upon the repeated complaints of the Cypriots, to whom the tyranny of their new masters was become insupportable, Richard thought he had a right to revoke the sale. Whether this was consistent with justice, is needless now to enquire. It is sufficient to observe, Guy was put in possession of his kingdom, which remained near two centuries in his family.

The affairs of the east being thus settled, Richard, impatient to return to England, embarked at Ptolemais, from whence he sailed to Corfu, an island situated at the entrance of the Adriatick gulph <sup>2</sup>. Probably, his design was to land in the bottom of the gulph, and continue his journey by land through Germany. However some say, he was driven against his will by stress of weather into those parts. Whatever his design might be, he was exposed to a violent storm, which forced him on the coast of Istria, and from

Vincent.  
Brompt.  
Hemingf.

Henry earl  
of Cham-  
pagne chosen  
in his place.  
Giblet.  
Hist. de  
re Lusig.  
l. 1.  
Brompt.

Richard em-  
barks for  
Europe.  
M. Paris.  
Hoved.  
R. Diceto.  
Brompt.  
against his  
will.  
An. Burton.  
Hemingf.

<sup>7</sup> These assassins were a precise sect of Mahometans dwelling in six cities near Antaradus in Syria, being about forty thousand in number. They were ready to stab any prince whom the old man of the mountain should appoint them, or to go upon any other dangerous attempt. Conrad, marquis of Montferrat was murdered in the streets of

Tyre by two of them, whom he entertained in his service, they having pretended to turn christians. M. Paris.

<sup>2</sup> King Richard's queen, and his sister Joanna queen of Sicily, embarked at Acra, September 29, and king Richard himself, October 9. Diceto. Hemingford.

1192.

Is ship-  
wrecked  
near Aquileia.

Goes into  
the dominions of the  
duke of  
Austria.  
Brompt.  
Gervas.  
M. Paris.

Is discovered,  
taken,  
and given  
up to the  
emperor.

Act. Pub.  
t. I. p. 70.  
Hoved.

Hemingf.  
M. Paris.  
Brompt.

thence between Aquileia and Venice, where the galliot, he was on board, split upon a rock. It was with great difficulty that he escaped this danger, to run immediately into another. Whether he was ignorant of the country, or for some other unknown reason, he entered the territories of the duke of Austria, and took the road to Vienna. If this was not done through ignorance, it will be difficult to dive into his design. Besides that, this was by no means his way to England, it was great imprudence to hazard his person in the dominions of a prince whom he had so mortally offended at the siege of Acres. However this be, he continued his journey disguised like a pilgrim, well knowing he had every thing to fear from the duke's resentment, should he chance to be discovered. His lavish expences, and the indiscretion of some of his attendants, were the occasion of a rumour's being quickly spread that the king of England was in those parts. The duke of Austria having notice of it, caused the pretended pilgrim to be watched so narrowly, that he was seized at a small village near Vienna \*. The news reaching the ear of the Emperor Henry VI. he demanded the prisoner of the duke of Austria, who delivered him, upon assurance of having a large share of his ransom. Thus Richard, whose fame filled the whole earth, and whose noble actions had exalted him above all the princes of his time, lost his liberty, and saw himself in the power of the most fordid and ungenerous of princes.

The effects  
of the king's  
imprisonment in England.  
Hoved.  
Gervas.  
M. Paris.  
R. Diceto.

The news of Richard's imprisonment quickly flew over Europe, and particularly into England, where it caused a great consternation. Queen Eleanor, his mother, immediately took all possible care to prevent this accident from occasioning some fatal revolution. She represented to the principal barons, that they could not give the king more effectual proofs of their fidelity, than by opposing, to the utmost of their power, the attempts of prince John, whose ill designs were no secret. That it was necessary to begin with this, in order to preserve the peace of the realm, and that afterwards other affairs might be taken care of. The queen's exhortations, the king's unfortunate condition, and the same he had acquired in the east, concurred to keep the English

\* Having travelled some time with his attendants, like so many pilgrims with their hair and beards grown to a great length, he dismissed them all, and taking horse with one servant came to the village, where, sending out his ser-

vant to buy provisions, he was known by one belonging to the duke of Austria, and being seized, was forced by tortures to tell where the king was, who was taken as he lay asleep. Hoved. M. Paris.

barons in the fidelity due to their sovereign. As they did not question but John would improve this juncture to disturb the state, they entered into an association to exclude him from the government, at the very time he was taking measures to seize it. The opportunity appearing to him very favourable, he had formed a design to take the administration of affairs into his hands, that he might the more easily wrest the crown from the king his brother. But he was prevented by the diligence of the queen his mother, and the barons. He had the mortification to see other regents appointed during the king's imprisonment. However, he forbore not to use his endeavours to break an association so prejudicial to him. He affirmed, his sole aim was to secure himself against the pretensions of his nephew, the duke of Bretagne, in case Richard should die in prison. But all his proceedings plainly showed, his design was rather to obstruct the king's return, supposing he should be so fortunate as to obtain his liberty. And indeed he neglected nothing to become master of the fortified places, or gain the governors to his interests. It is no wonder, that at such a juncture he prevailed with some, but in general he met with so great opposition to his designs, that he found at length there was no possibility of succeeding without the king of France's assistance. As soon as he was determined, he departed in order to confer with Philip. As he went through Normandy, he staid some days at Roan, where he tried all ways to corrupt the loyalty of the Normans, but not succeeding, repaired to Paris, where he made a treaty with Philip, who desired nothing more than to embroil Richard's affairs.

If certain historians may be credited, John obliged himself to marry the princess Alice, refused by Richard, and do homage to the crown of France for the kingdom of England. I do not know whether these authors had sufficient authority to assert these two particulars. It is certain the treaty itself, which is in the collection of the publick acts, says nothing like it, neither is it probable that John, who was already married, should promise to espouse another wife. It seems more likely therefore, that Philip, as the treaty imports, was satisfied with admitting John to do homage for all the provinces in France belonging to the crown of England, which, as sovereign lord, he pretended to dispose of.

John tries to lay hold on his brother's misfortune to mount the throne.  
Brompt.  
Gervas.  
R. Diceto.  
Hemingf.  
He meets with obstacles.

Hoved.  
P. 724.  
Makes a league with Philip.  
Hoved.  
Brompt.

Hoved.  
Brompt.

A&T. Pub.  
t. I. p. 254

<sup>b</sup> John quitted all claim to Gisors and le Vexin Normand, and Philip granted

him with Alice that part of Flanders which was adjoining to France. Hoved.

1193.

He tries in  
vain to gain  
the king of  
Scotland.

Pretends the  
king is dead,  
and demands  
the crown,  
but is refused.  
Hoved.

Philip at-  
tacks Nor-  
mandy.  
Hoved.  
Neubrig.  
Hemingf.

He besieges  
Roan.  
Hoved.  
Gervas.  
Is repulsed.  
Raises the  
siege.

Eleanor ap-  
plies in vain  
to the pope.  
A&T. Pub.  
t. 1. p. 72,  
74-76.  
Her letter to  
the pope.  
Brompt.

As soon as John had finished his affairs in France, he embarked for England, with design to use his utmost endeavours to gain the king of Scotland: but William remembering Richard's generous usage, would give no ear to his solicitations, whatever means John employed to make him believe, the imprisoned king would never recover his liberty. All his endeavours, as well with regard to the Normans as the king of Scotland, proving ineffectual, he bethought himself of another expedient. He caused it to be rumoured that Richard was dead in prison, and upon that foundation, demanded the crown. But as there was no other advice of the king's death, he did not find the English inclined to take this rash step in his favour, without further confirmation. Mean time, their refusal furnished him with a pretence to seize some places of strength<sup>c</sup>, as being willing to take by force what he could not obtain by fair means. But his party was so inconsiderable, that it was not possible for him to make any great progress.

Whilst these things passed in England, Philip was not idle in France. In a belief, that the English, employed at home with John's pretensions, would not be able to send any succours beyond sea, he resolved to seize the provinces held by Richard in France. Pursuant to this project, forgetting the oath taken upon quitting Palestine, he made himself master of Gisors, Evreux, and all le Vexin, after which he laid siege to Roan. He hoped to surprise that city, the taking of which would have drawn after it all the rest of Normandy, but had the mortification to miss his aim. The earl of Leicester, who had thrown himself into the city some days before, made so brave a defence, that after an assault, wherein the French were repulsed with great loss, Philip was forced to raise the siege.

Mean time, queen Eleanor, not content with opposing a strong fence against the ambition of her younger son, laboured with all her power the king's release. As the emperor had no plausible colour to detain him in prison, she imagined, a powerful mediation, such as the pope's, might have a good effect. In this belief she frequently writ to his holiness, entreating him to take in hand the king her son's cause. All her solicitations not prevailing, she sent him at

<sup>c</sup> The castles of Wallingford and Windsor, with the assistance of several foreigners he had brought over. But all

the great men of the kingdom assembled, and laid siege to Windsor-castle. Hoved. Brompt. Gervas.

length a very expostulatory letter, which showed how highly she was provoked at his indifference. She complained, that he was unwilling to take the least step in behalf of the imprisoned king: that he refused to send a nuntio to the emperor, though he often sent legates to all the christian states, on much less important occasions: that this behaviour was so much the more strange, as it would be no disparagement to his dignity, should he go in person and solicit the release of so great a king, who had lately exposed his life in the service of the church. In short, she represented to him, that the many good offices for which the holy see stood indebted to the kings of England, well deserved some return; and that the services done the popes during the schisms, could not be forgot without ingratitude. But all these instances were to no purpose. The pope did not think fit to concern himself about an unfortunate prince, for fear of displeasing the king of France, by whom he was pressed, on the other hand, not to interpose in the affair.

Whilst the queen laboured in vain to move the pope, the emperor, who wanted a cloak for his injustice, ordered Richard is carried before the diet of the empire, to be conducted to Haguenau, where the diet of the empire was assembled. The deputies, sent by the queen, and council to the king to acquaint him with what passed in England, met on the road their unfortunate prince ignominiously conducted like a criminal. This melancholy sight drew tears from their eyes, at which the king could not forbear weeping. After they had by many affectionate expressions, shown their concern for his misfortune, and assured him of the loyalty of his subjects in general, they informed him of his brother's attempts, and strict union with the king of France. These informations made him sensible, that in the present posture of his affairs, it was very improper to dispute with the emperor, upon the terms of his freedom. In this resolution, he was brought before the assembly of the German princes, where the emperor charged him with six and accused by the emperor of six particulars. I. He accused Richard of joining in a league with Tancred to support that usurper in the possession of the kingdom of Sicily. II. He alledged, that, by his contests with the king of France, he had obstructed the conquest of Jerusalem. III. He charged him with unjustly invading the kingdom of Cyprus, and employing the arms of the croisſes to dethrone a christian prince. IV. He taxed him with affronting the duke of Austria, at

pier,  
Brompt.  
Hoved.  
M. Paris,

and accused  
by the emperor  
of six  
particulars.  
Brompt.  
M. Westm.  
M. Paris,

1193. the siege of Ptolemais. V. He accused him of being concerned in the murder of the marquis of Montferrat. VI. and lastly, He laid to his charge, as a great crime, the truce concluded with Saladine, and accused him of holding intelligence with that infidel prince, to the great detriment of Christendom in general.

He vindicates himself

Though neither the emperor nor the princes of Germany had any right to sit as judges upon the king of England, Richard did not think proper to dispute their authority. He was too apprehensive of giving occasion for delays, which must have been very prejudicial to him. In all appearance, that was the emperor's sole aim. He was contented therefore with briefly saying, though he looked upon himself as accountable to none for his actions, he was willing however to vindicate himself before that illustrious assembly, not that he considered them as his judges, but because it greatly concerned his honour that the world should think him innocent. Then he made his defence against the emperor's six allegations. To the first he replied, that his treaty with Tancred no way related to the emperor: that he did not make Tancred king of Sicily, but found him so, and treated with him, as with a king in actual possession of the crown. To the second he answered, that the king of France's jealousy was the sole cause of the little progress in the conquest of the Holy Land, and the whole blame ought to be laid on that prince, since he first deserted the cause. To the third, which related to the conquest of Cyprus, he made answer, that he took not that kingdom from a lawful prince, but an usurper and tyrant, who, by his barbarity, had justly provoked his vengeance. That he hath demonstrated, he acted not in that affair from a principal of ambition or avarice, since he voluntarily resigned the island to Guy of Lusignan, to make him amends for the loss of the kingdom of Jerusalem. As to the fourth article, he contented himself with saying, the duke of Austria was sufficiently revenged of an affront, for which he might have demanded satisfaction in a more honourable manner. As for the marquis of Montferrat's murder, he said, with some emotion, all his past actions were so many evidences of his being incapable to use such infamous means to be revenged on his enemies; adding, the marquis himself cleared him before he expired, in desiring the prince's wife to put into his hands the city of Tyre, which doubtless he would never have done, had he suspected him to be the author of his death.

Brompt.  
P. 1252.

death<sup>d</sup>. He spoke more fully to the charge of holding intelligence with Saladin. He represented, though with great modesty, the share he had in the victory obtained over the infidel prince. He accused the duke of Burgundy of deserting him purely out of jealousy, when he was just going to besiege Jerusalem. In fine, he added, it was easy to see that in making a truce with the Saracens, he had no sordid views; since of all the booty he acquired by taking the Babylon caravan, he reserved nothing to himself but only the ring on his finger.

1193.

This defence, which very much confounded the emperor, raised the compassion of the German princes for Richard. They were so convinced of the great injury done to that illustrious prince, that with one consent they besought the emperor to deal more generously by him. But their entreaties could not induce their covetous and selfish prince to release his prisoner, before he had extorted an exorbitant ransom. He was the more extravagant in his demands, as the king of France had sent the bishop of Beauvais to offer him a large sum to keep Richard in perpetual imprisonment. The captive king therefore was forced, in order to obtain his liberty, to promise to pay a hundred and fifty thousand marks of silver, of which the duke of Austria was to have a third for his share. The emperor required further, that this sum should be brought into Germany at Richard's peril and charge. To these hard terms he added, that Richard should release the emperor of Cyprus and his daughter, and give his niece Eleanor of Bretagne, in marriage to the duke of Austria's eldest son. Some say, the emperor, not content with these advantages, obliged Richard to make him an absolute resignation of the kingdom of England, which however he presently reinvested him with, to hold of him by the annual tribute of five thousand pounds sterling. Indeed, this fact cannot be said to be altogether improbable, considering Richard's sad state. However, it is hardly credible, that prince, though a prisoner, could be brought to so unworthy an action. Besides, we do not find the emperor ever formed any pretension upon England, by virtue of this pretended resignation. Therefore, the same historians which

The German princes  
intercede for  
Richard.  
Brompt.

Philip and  
John make  
the emperor  
large offers  
to detain  
him.

Hoved.  
Brompt.  
He requires  
hard terms  
of Richard.  
An. Burton.

Hoved.  
P. 724.

<sup>d</sup> In the collection of the publick acts, t. I. p. 71, there is a letter from the old man of the mountain to the duke of Austria, wherein he owns himself the author of the marquis's murder: but the authority of this letter is doubtful

upon several accounts, particularly for being dated in the year of the pontificate of the pope. Rapin. See it in Brompton, p. 1252. Diceto, p. 680. Hemingford, p. 544.

**1193.** relate this particular, add, that Henry, before his death, renounced all right to England. To make the thing more probable, the emperor's donation of the kingdom of Arles to Richard is urged and pretended to be in return for the sovereignty of England. But it is this that makes it presumed, Richard's homage for that kingdom, given him by the emperor, is confounded with the homage for England. And indeed, it appears from the collection of the publick acts, that Henry conferred the title of king of Arles on Richard, who, no doubt, did him homage for that imaginary kingdom, which the emperors had not enjoyed for many years.

The emperor makes him titular king of Arles. Hoved.

Ast. Pub. t. I. p. 81, 83.

Money for the king's ransom is raised in England. Hoved. Gervas. M. Paris.

Hoved.

As soon as the treaty was signed, Richard sent word of it to the queen his mother, desiring her to use all possible means speedily to raise the money for his ransom. This was no inconsiderable sum at that time in England. Richard himself, when he went to the Holy Land, almost drained the kingdom of all the coin. Besides, the croissées also carried away large sums. For that reason, it was no easy matter to supply this new expence. However, by the zeal of the justiciaries means were found to raise a hundred thousand marks, by taxes\*, and by borrowing one year's wool of the abbeyes of the Cistercians and religious houses of the order of Sempringham. To this was added the plate belonging to the churches, upon the queen's promise to restore it, after the king's return†.

**1194.** Whilst the English were employed in raising the king's ransom, Philip and John tried to break his agreement with the emperor. As soon as Philip heard of it, he sent John word, to look to himself, since the devil was like to get loose. The news threw the prince into great consternation. He saw all his hopes vanish, and himself upon the point of falling into the hands of a justly incensed brother, without knowing how to divert the terrible blow. In this perplexity, he had no other remedy but to unite still more strictly with

Philip and John endeavour to get Richard detained in prison. Neubrig. Hoved. Brompt. An. Burton.

\* Hoveden says, every knight's fee was taxed twenty shillings; and all, as well clergy as laity, gave one fourth part, and some clergymen even the tenth of their revenues this year, besides part of their moveable goods: and the clergy moreover gave all the gold and silver in their churches. The same was done in the king's foreign dominions. Hoved, Mr. Tyrrel observes, that this tax was not imposed by the king's prerogative; for, as R. Diceto relates, all this money was raised assensu communi, that is, by

the authority of the great council of the kingdom, Diceto. Tyrrel. The money, as it was raised, was deposited in the hands of the archbishop of Canterbury, the bishop of London, William, earl of Arundel, Hamelin, earl of Warren, and the mayor of London. Hoved. William, king of Scotland, paid two thousand marks towards the king's ransom. Chr. Mailros.

† It was restored afterwards. See Hoved. p. 753.

Philip,



Philip, and endeavour, with his help, to break Richard's measures for his deliverance. As these two princes had one common interest, they agreed to act together to engage the emperor by advantageous offers, to detain Richard in prison. The bishop of Beauvais was again commissioned to make Henry the following proposals: that provided he would promise to detain Richard till Michaelmas, Philip would pay him down fifty thousand, and John thirty thousand, marks: that after that term, they would return him monthly one thousand pound sterling, as long as Richard was kept prisoner: that in case he would deliver him into their hands, they would pay the whole ransom of a hundred and fifty thousand marks. In fine, if he refused this offer, the ambassador was ordered to tender him the same sum, to keep him prisoner one year. These offers had such an effect on the covetous emperor, that he deferred the king's deliverance till the next diet, which was to meet at Spire in a few months, though Eleanor was come to Worms with a hundred thousand marks, and hostages for the payment of the rest. It is easy to guess Richard's consternation, when he heard this unwelcome news. He was not ignorant of his brother's endeavours to seize his crown, and was satisfied, Philip would employ all his forces to support him in his unjust designs. On the other hand, he too well knew the emperor's temper, to hope to soften a heart that was a stranger to all generous sentiments. In this melancholy state, believing himself entirely ruined, the time he passed till the diet, was the heaviest and most grievous of his life. He was very justly alarmed, for the emperor had actually determined to comply with the king of France, and sacrifice his honour to sordid interest. The diet being assembled at Spire in February, the emperor addressed himself to the German princes in terms plainly importing, he made no account of his agreement with the king of England. Surprised at this proceeding, they could not forbear telling him their thoughts. They strongly represented to him, that being themselves pledges of the treaty, they could not in honour see it violated, and even intimated he should not break it with impunity. Whether Henry stood in fear of their threats, or shame made some impression on his mind, he was prevailed with to set his prisoner free, upon receiving the hundred thousand marks, and hostages for the fifty thousand that were unpaid. Richard was no sooner at liberty, but he instantly left Germany, and repaired to the Low Countries, staying by the way no longer than was absolutely necessary. This speed was requisite,

1194.

They make  
offers to the  
emperor.  
Hoved.  
Brompt.  
An. Burton.

Henry puts  
off the  
king's deli-  
verance.  
Hoved.  
Brompt.  
An. Burton.

He endea-  
vours to e-  
clude the  
treaty, but  
in vain.  
Hoved.  
Brompt.

Richard is  
set at li-  
berty.  
Hoved.  
Brompt.  
M. West.

1194.

Brompt.  
He arrives  
in England.  
R. Diceto.  
Proceedings  
of the em-  
peror and  
duke of  
Austria, re-  
lating to the  
ransom.  
Hoved.  
Brompt.  
Heming-  
ford.

quiste; for Henry repenting of his release, sent after him to seize him, but it was too late. As soon as he came to Antwerp, he embarked for England, and safely arrived at Sandwich, on the 20th of March, 1194, after a four year's absence, fifteen months whereof he had passed in prison.

Before I finish what relates to Richard's imprisonment, I shall add here what passed about the payment of the residue of his ransom. The emperor, after frequently soliciting Richard to satisfy him, sent Baldwin of Bethune, one of the hostages, to let him know, he would come upon those he had in his power, if the treaty of Haguenu was not speedily executed. Richard, who knew by experience the cruel temper of that prince, forthwith sent back Baldwin with the princess Eleanor, that the stipulated marriage might be consummated, till the rest of the ransom was paid. In all appearance, the emperor had taken for himself the hundred thousand marks, and turned over the debt to the duke of Austria. Be this as it will, Eleanor and Baldwin found, upon their arrival at Vienna, that the duke was dead of a fall from his horse. Before he resigned his last breath, he made his will, wherein he ordered the king of England's hostages to be released, confessing, he had unjustly detained him, and could not in conscience demand a ransom. Notwithstanding this express order, the prince his son, who succeeded him, would have detained the hostages, had not the bishops opposed it. They declared, they would not permit his father's corpse to be buried, till his last will was performed. The pope likewise sent him a letter, telling him, he had ordered the archbishop of Saltzburg, to excommunicate him, if he deferred any longer the execution of his father's will. Induced by these menaces, he released the hostages, and finding he had no great inclination for the princess of Bretagne, sent her back also to England. As for the emperor, his difference with the pope, and the war he was meditating against France, making him sensible he might have occasion for the king of England, he wished to be reconciled to him. To that purpose, he sent a bishop to beg his pardon, and assure him, that he intended to restore what had been extorted from him. But he died shortly after at Messina, before he performed his promise.

Hoved.  
P. 773:

Richard re-  
duces his  
brother's  
party.  
M. Paris.  
Hoved.

Richard was received by his subjects with demonstrations of joy and affection, which made him forget all the disgraces he had suffered during his captivity. His first care was to discharge his vow, to offer to God the rich standard of Cyprus, in St. Edmund's church. Which done, he marched

to reduce some castles still in the hands of John's adherents, of which Nottingham castle only held out a siege of some days. Mean time, he ordered the prince his brother, who was retired to France, to be summoned to appear within forty days, and answer the accusations exhibited against him. John not appearing within the time limited, the king caused a sentence to be passed against him, confiscating all his lands, and declaring him incapable of succeeding to the crown.

1194.

Neubrig.  
Brompt.  
Ann. Burt.  
John cited  
and con-  
demned.  
Hoved.  
Brompt.

This affair being ended, Richard was crowned again, for fear his imprisonment might have raised any scruples in the minds of his subjects. William, king of Scotland, assisted at the solemnity, and carried the sword of state before the king. This difference, and his constant attachment to Richard, whilst a captive, entirely gained him the affection of that prince, who gave him all possible marks of his friendship. Indeed, he did not think fit to resign him Northumberland, the possession whereof he earnestly demanded, upon a dubious title that was even renounced by his predecessor. However, to soften, in some measure, this refusal, he granted him a charter of certain honours and privileges to be enjoyed by the kings of Scotland, whenever they came into England.

Richard is  
crowned  
again.  
Brompt.  
Hoved.  
p. 737.

Act. Pub.  
t. I. p. 37.

Richard, was too much bent upon being revenged of the king of France, to deny himself any longer that satisfaction. The forgiveness of injuries is a virtue too rarely among men, to be met with in a prince who was none of the most scrupulous in point of religion. To execute this design, he wanted a powerful army, which could be neither raised nor maintained without an extraordinary charge. His kingdom, already drained, was but little able to furnish him with the necessary supplies. However, money must be had at any rate, and for that purpose, divers not very honourable ways and means were used. In the first place, he revoked all the alienations of the crown lands made before his departure to the Holy Land. His pretence for so doing, was, that the purchasers had sufficiently reimbursed themselves, out of the profits of the estates, though they had enjoyed them but a very few years. He used also another, and no less unlawful means, to fill his empty coffers. The great seal, which he

1195.

Richard pre-  
pares for a  
war with  
France.  
Heming-  
ford.

His means  
to raise  
money.  
Neub.  
M. Paris.

<sup>g</sup> He did this as earl of Huntingdon, Hoved.

<sup>h</sup> They were to be conducted by the sheriffs of every county, from Berwick to the court, and allowed a hundred shillings a day, during the journey, and

thirty whilst they staid; and also twelve loaves of fine bread, twelve of the king's funnel, with four gallons of the best, and eight of the ordinary wine, &c. See Act. Pub. vol. I. p. 78. This was settled by a parliament. Hoved,

1195. carried with him, being lost during his voyage, he ordered another to be made, and obliged all those that had any patents or commissions under the old, to have them renewed under the new seal. His sole aim was, to extort money from private persons for renewing their charters. These two methods not appearing sufficient, he invented two more. The first was, to prohibit tournaments, and then grant the nobility a license to hold, or be present at them, upon payment of a certain sum, in proportion to their rank<sup>1</sup>. The second was, to restore to his favour his natural brother Geoffrey, and permit him to enjoy the archbishoprick of York. The bishop of Coventry, a zealous friend of prince John, and like him condemned, received also the same favour. But it cost Geoffrey two thousand marks, and the bishop purchased his pardon with a present of five thousand.

Philip gets the start of him, and besieges Verneuil.  
Brompt.  
Walsing.  
M. West.  
Hoved.

Richard makes him raise the siege.  
Hemingsf.

He pardons his brother.  
Hoved.  
An. Bart.

Brompt.  
p. 1262.

Continuation of the war.  
Hoved.  
p. 740.  
1195-6.

Brompt.  
M. West.

All the forces Richard designed against France, being ready, news was brought him, as he sat at table, that Philip was besieging Verneuil. His indignation to be thus prevented, transported him so, that he swore, he would not turn his face, till he had joined his enemies. To keep his oath, he caused part of the wall of the ~~room~~ to be pulled down, and going out through the opening, embarked immediately with his troops which waited for him on the sea side, and safely arrived in Normandy. Upon his approach, Philip raised the siege, just as he was going to take the city. Some say, he was forced to it by his army, which, being seized by a pannick, took to flight, leaving the tents and baggage in the camp.

Some time after, Richard being at Roan, the queen his mother introduced prince John, who, throwing himself at his feet, begged his pardon. The king received him civilly, as he had promised the queen, but however intimated to him, he was not satisfied of the sincerity of his repentance. I forgive you, (says he, raising him up) and wish I could as easily forget your offences, as you will my pardon.

I shall not undertake to relate the particulars of the war which was carried on by the two contending monarchs. They are not material enough to deserve insisting upon. I shall content myself with observing that the war lasted five years, and was often interrupted by truces, constantly broken by both parties, without any possibility of knowing which side is to be blamed. The historians of the two nations were so bent upon vindicating their respective kings,

<sup>1</sup> An earl twenty marks, a baron ten, and a knight four, if without land, two

that it is easy to see, both were too much swayed by their inclinations or prejudices. Be this as it will, the two princes met with frequent occasions in this war to signalize their conduct and courage. But as the various success of their arms occasioned the continuation of the war, they may both be said to lose more by it than they gained. Philip, among others, suffered an irreparable damage, in the loss of all the ancient records of the crown, which were taken with all his baggage, in an action near Blois. It was customary then for the king to carry with him where ever he went, the archives of the kingdom. Mezerai laments the loss France sustained on that occasion, and the notable prejudice the history of that kingdom received, with respect to the events before that engagement.

Philip loses the records of the crown. Hoved.

The advantages the two kings obtained over each other not being very considerable, they agreed at length upon a truce, in order to a peace. Some say, Philip proposed to Richard, to decide their quarrel by five combatants on each side, and that Richard consented to it, provided the two kings were to be of the number. If this be true, which however is questionable, the proposal, very probably, was not serious. Thus much is certain, many endeavours were used to bring the two monarchs to a peace, to which it was believed, an interview might conduce. But after several conferences, they parted without any determination.

A truce between the two kings. Hoved. R. Diceta. p. 676. Brompt. M. West.

At one of these conferences, the princess Alice was restored to the king her brother, who gave her in marriage to the earl of Ponthieu. Upon going to the Holy Land, Richard had committed her to the custody of the seneschal of Normandy, who had refused to deliver her without his master's express order, though Philip had often demanded her.

Princess Alice restored to her brother. Hoved.

At the same time Joanna<sup>k</sup>, sister to Richard, and widow of the king of Sicily, married the earl of Tholouse. She obtained of the king her brother, an entire resignation of all right and title, as heir of the house of Poitiers, to the earldom of Tholouse.

The queen of Sicily marries the earl of Tholouse. Brompt.

It happened, during this war, that Philip de Dreux, bishop of Beauvais, a near relation of the king of France, being in a battle, was taken prisoner by the English. His qua-

Bishop of Beauvais taken prisoner.

<sup>k</sup> She and queen Berenguela, leaving the Holy Land a little before the king, arrived at last in Italy, where having staid six months for fear of the emperor, they went to Genoa, and em-

barked for Marseilles, from whence they came to Poitiers. It does not appear that Berenguela, Richard's queen, ever came into England. Hoved.

1195-9. lity, character, but chiefly, some injurious expressions in speaking of Richard, occasioned his ransom to be set at so high a rate, that he applied to the pope for his protection. His holiness strongly interceded for his dearly beloved son, as he called him, in a letter to the king in his behalf. Richard, in answer, sent the bishop's armour, all bloody as it was, and asked him, whether he knew his son's coat? this clear evidence of the warlike temper of the bishop, caused the pope to desist from his solicitations, and to say, since he had quitted the warfare of Christ, for that of the world, it was but just, he should suffer the consequences of so ill a choice. Upon this answer, the bishop despairing of assistance from Rome, compounded for his ransom, which was set at two thousand marks <sup>1</sup>.

Hoved.  
Neubrig.  
Brompt.  
M. West.  
M. Paris.

In the account, historians give of this war, the French magnify the advantages gained by Philip, and slightly pass over his losses. The English, on the contrary, taking little notice of several engagements, where the others pretend Richard was worsted, extol his great success. Among other advantages, they magnify a victory obtained over his enemy between Courcelles and Gisors, which the French slightly

Hoved.  
M. Paris.  
Gervase.  
Brompt.

A victory of mention, as an event of little importance. They say, Philip Richard's. advancing with five hundred horse to view the enemy, was like to be surrounded, and forced to retreat to Gisors with some precipitation. They add, the bridge of that city falling down under him, he was in danger of losing his life by that accident. It is certain, however, Richard sent to England a letter concerning that action, now to be seen in the collection of the publick acts, wherein he boasts of gaining that day a glorious victory. That prince, very probably, would not have expressed himself thus, had he only routed five hundred horse. Some English historians even affirm, that, on occasion of this victory, Richard added to the arms of England, the motto, Dieu et mon droit. But I can hardly believe this motto to be so ancient, or to owe its original to that event.

p. 704.  
Hoved.  
M. Paris.

Act. Pub.  
t. I. p. 96.  
M. Paris.

A five years The forces of the two kings were too much upon an equality, for either to hope to make any great progress in the war. After having sufficiently tired one another, and found that all their advantages amounted only to the taking some paucity towns, which very often were retaken immediately,

truce.  
Hoved.  
M. Paris.  
Brompt.

<sup>1</sup> Neubrigienfis says, he was used thus by the king, for having incited the emperor against him whilst in durance, who caused him to be loaded with as

many irons as an ass could bear, as he said himself to those that interceded for the bishop.

they gladly embraced an opportunity which offered to put an honourable end to the war : and that was by yielding to the pope's exhortations, who sent his legate into France, to persuade them to a peace. The pope's aim was to engage them in a fresh crusade, for the recovery of Jerusalem. But they were both too much discouraged by the first, to have any thoughts of a second expedition. The legate's arrival, however, had a good effect, as it procured between the two monarchs a truce for five years, which put some stop to the calamities, their subjects groaned under. This truce was concluded at a conference, where it was agreed, each should remain in possession of what was in his hands.

At this conference, Philip, feigning to espouse the interests of Richard, shewed him some papers, whereby his brother prince John, appeared to have ill designs against him. Richard, too hastily giving credit to him, dispossessed his brother once more of all he had been restored to. But John openly vindicated himself, in sending to the court of France two knights, who offered to maintain by arms, that the prince was falsely accused. Philip not thinking fit to accept of the challenge, Richard perceived his brother's innocence, and restored him to his estates.

Whilst Richard was employed in France, the city of London was on a sudden in great danger, by a sedition raised by one William Fitzosbern, commonly called William Longbeard, from the great length of his beard. This daring and seditious man, by affecting continually to be an advocate for the poor and meanest of the people, had gained the hearts of the populace, who held him in extreme veneration. He made use of this advantage to raise a sedition in the city, on account of a tax, the burden of which, according to him, would wholly fall on the poor. Hubert, archbishop of Canterbury, who was then the justiciary, could not appease the tumult, without causing the principal citizens to take to their arms. Longbeard, finding himself hard pressed, fled to the church of St. Mary le Bow, where he was seized, and afterwards hanged in chains with nine of his accomplices <sup>m</sup>.

Richard's

<sup>m</sup> His body being stolen away, and buried, his followers pretended that miracles were wrought at his grave ; but guards being set at the place, and those that came thither to pray, soundly beaten for their pains, the cheat was seen through, and people quickly left off their devotions to the pretended

saint. Diceto. — About this time lived also the famous Robin Hood, with his companion Little John, who are said to infest Yorkshire with their robberies. Some will have him to have been of a great family, and reduced to that course of life by riotous living. He never hurted either man or woman, spared the poor,

1195-9.  
M. Paris.  
Hoved.  
Brompt.  
R. Diceto.

Philip tries  
to set Rich-  
ard at vari-  
ance with  
prince John,  
who justifies  
himself.  
Hoved.

Ann. Burt.

A sedition at  
London.  
Hoved.  
R. Diceto.  
Knighton.  
Brompt.  
Gervase.  
M. Paris.

1195-9.

The occa-  
sion of  
Richard's  
death.  
Hoved.  
Brompt.  
M. Paris.  
Knighton.

Richard be-  
sieves Cha-  
lux, and is  
wounded.  
Hoved.  
Brompton.  
Knighton.  
Hemingford.  
He dies of  
his wound.  
Hoved.  
Brompt.  
Knighton.

Richard's late truce with France, gave him opportunity of going to England, and enjoying some repose, after all his fatigues, since his first accession to the crown. His presence was moreover necessary in England, to reform divers abuses crept in during his absence. This was what he resolved to do, but an unexpected accident obstructed his design. A Limosin gentleman, finding in his estate a treasure, which had been hid there for many ages, the king pretended, as it was found in a country of which he had the sovereignty <sup>a</sup>, it belonged to him. The gentleman was willing to compound the matter, by giving him part, but finding he would have the whole, applied to Vidomar, viscount of Limoges, for protection, who sheltered him in his castle of Chaluz. Richard, who was not used to meet with opposition from his inferiors, marched into le Limosin, to besiege the castle where the gentleman had taken refuge. When he came nigh the place, he went round it, in order to view it. But approaching too near, one Bertram [Gordon] an archer, who was upon the walls, shot him with an arrow in the shoulder, close to his neck <sup>o</sup>. The wound in itself was not mortal, but made so by the unskilfulness of the surgeon that dressed it. It is said, the king himself by his intemperance helped to inflame it. Be this as it will, the wound gangrened, and he died of it the eleventh day <sup>p</sup>, after enduring great misery. The castle being taken whilst he was yet alive, and the person that wounded him brought into his presence, he asked him the reason why he fought his life. Bertram replied with an astonishing boldness, it was in revenge of his father and brother, slain by the king's own hand; and added, he gave God thanks for having so well succeeded, and was ready to undergo with pleasure, the most grievous torments, since he was so fortunate as to free the world from such a ty-

pos, and robbed only the rich. Proclamation being issued out against him, he fell sick at the nunnery of Berkely, and, desiring to be let blood, was betrayed, and bled to death. — In 1197, king Richard, gave Richard bishop of Durham, leave to coin money in that city. The same year there was a great famine, and mortality throughout England. During this famine, king Richard finding ships at St. Valeri, full of corn, exported from England, he ordered all the people belonging to those vessels to hanged. Hoved.

<sup>a</sup> The country of Limosin was held of the dutchy of Guenee, Rapin.

Hoveden says, it was Vidomar himself that found it in his own estate, p. 790.

<sup>o</sup> Diceto says, the person who wounded him was named Peter Bazil, p. 705; and Gervase, that it was one John Sabraz. He says moreover, that Richard was wounded not at Chaluz, but at the siege of a castle in Angouleme, named Nantrum, p. 1628. Walt. Hemingford makes Richard to have been wounded near the castle of Galliard which he had lately buik in the isle of Andeli. The king of France having seized that castle, king Richard went to retake it, and there received his death's wound.

<sup>p</sup> He died April 6, Brompt.



rant. Though such an answer was very like to exasperate the king, the dying prince forgave him, and ordered him to be set at liberty, with a present of a hundred shillings <sup>q</sup>. But immediately after the king's death, Marchad, general of the Flemings, caused the miserable wretch to be fleaed alive.

Before he died, Richard made his will, leaving his kingdom with all his other dominions and three parts in four of his money to his brother John, reserving the rest for the poor and his domesticks. He had formerly at Messina settled matters otherwise, and made his nephew Arthur duke of Bretagne his heir. This appears in his letter from thence to the pope, now to be seen in the collection of the publick acts. But probably, the fear of raising commotions in his dominions made him alter his mind. Indeed there could be no other reason to induce him to favour his brother, whom he had no cause to love, to the prejudice of his nephew, whose title was no less just than prince John's. In his last will he ordered his body to be interred at Fontevraud, at the feet of his father, to testify his sorrow for the many uneasinesses he created him during his life. His heart was to be carried to Roan, for a testimony of his affection to the Normans. But his bowels he ordered to be sent into Poitou, designing to shew by that his little esteem for the Poitevins, with whom he was displeased. He left only a natural son called Philip, to whom he bequeathed the lordship of Cognac in the dutchy of Guienne <sup>r</sup>.

Such was the life and death of this valiant prince, who, for the greatness of his courage, was surnamed Cœur-de-Lion. After commending his valour, or rather fierceness, in vain do we seek in him any other virtue to afford matter for panegyrick. They that praise him for his bounty and magnificence, do not consider, if he was liberal and splendid; it

<sup>q</sup> King Richard ordered all the persons in it to be hanged, except he that had wounded him. Knighton, 2413.

<sup>r</sup> At Fontevraud, where his body was interred with a gilt image, were these six verses written in gold letters, containing his greatest and most glorious achievements: as his victory over

the Sicilians; his conquest of Cyprus; the sinking of the great Galeas of the Saracens; (which he met as he was sailing from Cyprus to the Holy Land;) the taking of the Babylon caravan, and the defending of Joppa against the infidels.

Scribitur hoc tumulo, rex auree, laus tua, tota  
Aurea, materiae conveniente nota.

Laus tua prima fuit Siculi, Cyprus altera, Dromo  
Tertia, Carvana quarta, suprema Joppe.

Suppressi Siculi, Cyprus pessundata, Dromo  
Marsus, Carvana capta, retenta Joppe.

Camd. Rem. p. 358.

1196.

Hoved.  
Knighton.

He makes  
John his  
heir.  
Hoved.

Ast. Pub.  
t. I. p. 68.

Brompt.  
M. West.  
Hoved.  
M. Paris.

Richard's  
character.  
Brompt.  
G. Vindauf.

1196. was at the expence of his subjects, from whom he extorted several large sums by unjustifiable means. But, on the other hand, we find in him many vices, and some of the most enormous. His rebellion against his own father is a blemish which may justly be cast on his memory. It is even apparent, God was pleased to punish him for it, by a continual scene of troubles during his ten years reign, and particularly by a fifteen months captivity. We find likewise in this prince an insatiable love of money, which proved the cause of his death; a pride, which made him look upon his equals with contempt, and his inferiors as slaves. In fine, if what certain historians say of him be true, an unbridled lust hurried him, not only to neglect the queen his wife, in order to abandon himself to an infamous debauchery, but even to sins against nature. It is affirmed, a poor hermit took the freedom to upbraid him with that detestable crime before his whole court, and conjure him, in the name of God, to reflect on the destruction of Sodom. Be this as it will, all those that have writ his life agree, that pride, avarice, and lust were his three reigning vices. It is said, that being one day admonished by Fulk, curate of Nevilly \*, a man famous for his zeal, to throw off these wicked habits, which were commonly called his three daughters, he replied jestingly, that it was his design, and to that end he resolved to give the first to the templars, the second to the monks, and the third to the bishops.

Howed.  
p. 789.

Richard was tall and well made. His eyes were blue, and sparkling, and his hair of a bright yellow, inclining to red. It may be said that England, where he never was above eight months, during his whole reign, which lasted near ten years, was very unhappy under his government. He loaded his subjects with frequent impositions and excessive taxes. And yet no other benefit accrued to the people for these prodigious sums, but a little glory for their king, with which however they were satisfied, as redounding to the honour of the nation.

Remarks on  
the use of  
the cross-  
bow.  
Brompt.  
p. 1278.

It is remarked, as a thing deserving particular notice, that this prince, who restored the use of the cross-bow, received his death's wound from that instrument, as if heaven intended to punish him for reviving that diabolical invention. But I question whether this remark is built on a good foundation. We have observed the English made use of the cross-bow in the conquest of Ireland, in the reign of Henry II. and it is

\* He is said by Brompton to have the archbishop of Roan, and to have also received the same admonition from returned the same answer.

not likely they should discontinue it; in the few years that were since passed: 1199.

Richard was the first king of England, who carried in his shield three lions passant; wherein he was imitated by his successors.<sup>Arms of England.</sup>

During this reign, the city of London began to put on a new face with respect to its government<sup>Companies established at London.</sup>, and was divided<sup>ed Stow's survey.</sup>.

\* See the great seals of each king in Sandford and Speed. It does not appear that the Norman kings of England, Richard's predecessors, bore any arms, at least such as are ascribed to them. This is attested by a learned antiquary. "I cannot find (says he) either by monuments, coins, seals, or any cotemporary author, that such arms as are assigned to our three Norman kings, were in use with these several princes, but that following ages did assign or fix them upon the Norman line, to distinguish it from the succeeding Plantagenets, that did bear Gules, three Lions, passant, gardant, Or." Sandford, gen. hist. p. 1.—In or about this time, coats of arms came also to be hereditary in families: they owe their origin to the badges, which people painted for distinction sake, upon their shields, or coats of armour, in those mad expeditions in the east, called the crusades. See Dugdale's preface to Baron. vol. 1. p. 4. col. 2. Tyrrel's hist. of England. vol. 1. p. 36. Spelman Aspillogia, &c.

† In the first year of king Richard, 1189, the citizens of London obtained to be governed by two bailiffs, or sheriffs; and also to have a mayor to be their principal governor. The two first bailiffs or sheriffs, were Henry Cornhill, and Richard Rayners; and the first mayor was Henry Fitzalwin, who continued mayor above twenty-four years. See Stow's survey, vol. 2. book 3. p. 100, &c.

The next great branch of the revenue was, V. fines, oblatas, and amerciaments of many kinds, in civil and criminal cases, and for the forest. It is surprising to see, how numerous the fines and amerciaments, appearing upon the revenue rolls of the ancient times, were. As to fines for the forest,

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it suffices to observe, that, by the revenue rolls of Henry II. and Richard I. and king John, an ample revenue was raised, by trespasses, defaults, putrefitures, &c. As to the fines in civil and criminal cases, they may be reduced to these three general heads: fines for liberties, fines in law proceedings, and fines of a mixt nature. But first it may be observed, after a fine was preferred and accepted, if the party could not have the thing for which he fined, he was then acquitted of the fine, in such like words; *sed non debet inde summoneri quia non habuit rectum nec habere potuit*. However, a small fine was sometimes paid for such acquittal. When the party obtained the thing for which he fined, he was wont to have the king's charter made to him. If the party fining, failed in payment of his fine, he could not have his charter for the thing desired. When a fine was preferred and refused, if the party offered an addition, it was called *cremen-tum finis*. 1. As for fines of the first sort; for grants and confirmations of liberties, franchises, and exemptions, there are numberless instances on the revenue rolls. 2. The fines in law proceedings were likewise very numerous, and brought in a very considerable revenue. The several instances may be reduced to these heads: fines to have justice and right, fines for writs, pleas, trials, and judgments; fines for expedition, or speeding their right. Fines for stopping, or delay of pleas, trials, and judgments. Sometimes the parties litigant preferred the crown a certain portion out of the debts which they recovered. Some preferred half, others a fourth, or some other proportional part, in order to have or recover the same at law. Here we may see the occasion of this clause in

C c

king

1199. ed into several corporations or societies, or as they are called at present companies.

king John's and Henry III.'s magna charta, viz. nulli vendemus, nulli negabimus, aut differemus, rectum vel iustitiam. By means of this clause, excessive fines to have justice were moderated, and actual denial of right and delaying of it, which before, upon paying of money or fines, used to be practised, were quite taken away, or by degrees brought into disuse. Moderate fines for having justice were constantly paid, as well after the great charters as before. 3. Fines of a mixt nature. Many fines were made for leave to hold or quit certain offices or bailiwicks. For licences of divers kinds, especially to marry, or not to be compelled to marry, &c. Many fines were made relating to trade or merchandise, with its incidents. Hither also refer the fines and dimes, paid by merchants upon several occasions, of which hereafter. Besides these fines for licences, there were others, that may be called miscellaneous, as being of divers sorts: as for the concord of a duel, for opening a mine, &c. There were also fines for the king's favour, and that he would remit his displeasure. For the king's protection and aid. To obtain his mediation or interposal in men's affairs. To have seisin or restitution of their lands or chattels, and that men might not be disseized. Fines were made that men might be discharged out of prison, and replevied or bailed to the custody of lawful men. For acquittals in divers cases. Concurrent fines were, when both parties fined to obtain the same thing: counter fines, when two parties fined, one for a thing, the other against it. I shall conclude this head with observing, that men fined for respice of knight-hood; and shall subjoin the form of the summonce, to take knight-hood directed to the sheriff. "Rex vice-  
" comiti Norf. & Suff. salutem. Præ-  
" cipimus tibi, quod, visis literis istis  
" per totam ballivam tuam clamari fac-  
" cias, quod omnes illi qui de nobis  
" tenent in capite feudum unius mili-  
" tis vel plus, & milites non sunt, ci-  
" tra festum natalis domini anno reg-  
" ni nostri decimo nono arma capiant  
" & se milites fieri faciant sicut tene-

" menta sua quæ de nobis tenent, dili-  
" gunt. Teste rege apud Wallingford,  
" vii. die Nov." Claus. 19 Hen.  
III. And as it was usual to set a-  
mercement for not taking knight-hood  
after summonce, so the king some-  
times seized the lands of military ten-  
ants for the same reason. I proceed  
now to the revenue arising by miseri-  
cordias or amerciaments; which in  
ancient times are hardly to be distin-  
guished from fines by a nice observer.  
It is likely there was some difference  
between a misericordia and an amercia-  
ment. For instance, it was called an  
amerciament, after it was reduced to  
a certain sum, and a misericordia, both  
before and afterwards. When a miseri-  
cordia (or discretionary fine) was re-  
duced to a certain sum, it was said to  
be admeasured, or affected, e. g. War-  
inus de Quedic debet C Marcas de mis-  
ericordia, sed postea ammenfuratus fuit  
per justiciarium & Barones ad LX Mar-  
cas, Mag. Rot. 9 Joh. By magna  
charta, earls and barons are not to be  
amerced unless by their peers, and ac-  
cording to their trespass. Concerning  
amerciaments in general, it may be ob-  
served, it was frequent for some persons  
to be amerced for the trespasses or de-  
faults of others. Lords of seigneuries  
for their men, and for such as were  
de manupastu suo; tedings and frank-  
pledges, for such as were within their  
teding or frank-pledge, and the like.  
When general amerciaments were set  
upon hundreds, towns, &c. for mur-  
ders or the like; so much thereof as  
was charged upon lands within the  
said hundred, &c. which the king  
held in demean, was discharged of  
course. Lands holden by the queen, were  
also free from common amerciament.  
Several barons and lords of seigneuries  
had the like freedom by charter, prob-  
ably, from the king. Barons of the  
exchequer had freedom from common  
amerciaments for their lands and ten-  
ants, by their privilege of sitting at  
the exchequer. Ecclesiastical fees  
were likewise exempt from the same,  
and other persons by virtue of charters.  
Divers lords of seigneuries were, by  
charter, intitled to have to their own  
use the amerciaments that arose with-  
in

in their feignery. However, the lords were to claim the same at the exchequer. This is frequently done at this day. Amerciaments pro foresta, and in criminal and common pleas, are very numerous on the revenue rolls, these last containing many things useful and historical, as the curious reader may see in Mad-dox's history of the exchequer, &c. These amerciaments were for murders and manslughters, for misdemeanors, for disseizins, for recreancy, for non-appearance, for false judgments, for not making pursuit on hue and cry: to these may be added, miscellaneous amerciaments for trespasses of divers kinds.

The next great branch of the revenue was, VI. aid, scutages, tallages, and customs. In former times the prestations or payments to the king were called by several names, as *dane-gelt*, aid, *donum*, *assisa*, *scutage*, *tallage*; and in succeeding times, *subsidy*, *quinzime*, *vintisme*, &c. several of the former then continuing in use. I shall begin with the aid payable out of baronies and military fees, which was an honourable service or duty, rendered by a free vassal to his lord. There were three sorts of aid due to the crown of common right, or by reason of feignery. Aid to make the king's eldest son a knight, to marry his eldest daughter, and to ransom his person, when taken in war. These aids were rendered to the king by all persons, who held of him in capite; that is, immediately, *sine medio*. All the king's tenants were to pay aid, whether they held in *servitio*, or in *dominio*; that is, in elder times, aid was to be rendered by persons, who held of the king immediately, by barony, or knight's service, or by serjeanty, with knight's service annexed; and by persons who held of the king immediately, either by rent service, socage, or other service, that was not military, whether they lived upon the lands that were ancient demean, or upon honours and lands escheated to the king, and upon lands of his wardships or purchases. King William I. took six shillings, of each hide, through England. King Henry I. took three shillings for each hide, as aid *pro filie marier*. But, for want of requisite notices concern-

ing these aids, nothing distinctly can be learnt of them. The first that gives us any insight into these matters, is an aid levied by Henry II. for the marriage of his daughter Maud, to the duke of Saxony; namely, one mark per fee. It was paid by the several barons and knights, holding in capite, according to the number of their respective fees. In order to the due levying this aid, the barons and tenants in capite were commanded to certify to the king what fees they had, how many of the old, and how many of the new feoffment, and of whom the same were holden. These certificates were called *cartæ baronum*, and were ordered to be laid up in the exchequer, a hutch being made to keep them. But the originals are not now to be found, except that of the bishop of Chichester. The contents of many other certificates may be seen in an orderly manner in the red book of the exchequer. The fees of the new feoffment were small, and paid but twelve shillings per fee, when those of the old paid twenty shillings. The temporal barons and tenants in capite, were generally charged to the aid for the number of fees in their certificates. But if no certificates were sent, they were charged according to what appeared by the king's records, or testimony of his officers. It was the same with the bishops and abbots. But it may be observed, that several ecclesiastical persons, besides the aid for their fees rendered a farther sum, under the terms *de promissione suâ*. The same, Maddox observed, was sometimes paid also by laics, and therefore thinks, when it was paid by the laity, it was a *donum*; and when by ecclesiasticks, *donum prælatum*. When aid was collected, if it could not by some casual impediment, be rendered by the tenant to his lord, it might be paid to the king, though he was not his immediate lord. The vacant bishopricks and abbeyes of royal foundation rendered aid, being reckoned among the *escheats*. It was also paid by the towns and manors, or lands, which the king held in demean, and was actually assessed by the justiciars itinerant, or with their approbation. King Richard I. levied an aid for the ransom of his person. It was paid by the tenants in

capite, under the name of scutage, at the rate of twenty shillings per fee. Another part of this aid was answered at the exchequer, by the name of hidage, by which was meant the aid charged on lands holden by other service, than that of the shield. In Edward II.'s reign, hidage imported either tenure in socage, or other inferior tenure, and was opposed to tenure in chivalry. This hidage was assisted by the king's justiciaries, and is expressly said to be raised in aid of the king's ransom. The carucage paid for the same ransom, is likewise called an aid. King Henry III. had an aid to make his eldest son a knight, forty shillings of every knight's fee. This aid was paid to the king by his tenants in capite, and to the king's tenants in capite, by such persons as held of them in capite, by knight's service. When the king's tenants in capite paid aid to him, he used to grant them, that they might receive aid pro rata of their tenants in capite. It was usual, (in and after Henry III.'s reign) for the king's said tenants to have a writ, commanding the sheriff to assist them to levy the aid on the persons, that held of them in capite. The aid to make a son a knight, or for marrying a daughter, was not demandable from lands held either in frankalmoigne, or socage. Besides these three noted aids, there were also other aids, which appear to be of a different kind. In the fifth of Stephen, an aid was paid to the crown by the burghs or towns. This aid seems to have been a yearly payment, and indeed, it is accounted for in the like formal words, wherein annual farms are wont to be. In accounting for the aid of the present year, they said, *reddidit computum de auxilio*; for the year next before, *reddidit computum de præterito auxilio*; and for the third year,

*reddidit computum de veteri auxilio*; which are the words used in accounting for farms. An aid was rendered at this time also (as it seems) by the counties of the like sort. These aids were assisted by the justiciaries itinerant. King Richard I. took five shillings out of every carue, or hide of land, through all England. This aid is called *tallagium* by Hoveden. In process of time, the word aid came to be used in a large indefinite sense; and there came into use a new word, *subsidium*, which was not at all, or not frequently used in the more ancient times. A subsidy was granted to Edward II. for his war with Scotland. It is called a *dogum*. The city of London paid two thousand marks. Besides the general aids, or those, which were *per communem assensum Angliæ*, extending through the whole kingdom, there were certain aids imposed upon the demean, *eschets*, &c. of particular counties or places, for certain purposes relating to those counties or places. An aid by way of hidage, was laid on Devon and Cornwall, for the siege of the isle of William de Marisco. Inferior lords of seigneuries had of their tenants, the three notable aids, to make his eldest son a knight, to marry his eldest daughter, and to ransom his person. They had also of their tenants upon occasion, other aids, as to enable them to pay their relief or feisin, or other fine to the king, and also to pay their debts. This was done by the king's letters patent, directed to the tenants. But it may be noted, these were only letters of request. For it is provided by king John's charter, that the king should not for the future grant to any one leave to take an aid of his freemen, save in the three cases above mentioned. The revenue arising from scutage and tallage, will be spoken of in the next coin note.



King Richard I. is represented as a covager rather than a refiner of the English coins. And indeed his parade in the Holy Land, with his ransom, was so very chargeable, that it is no wonder to find him put to all imaginable shifts for multiplying his money at home. However his money is very rare. His penny in speed, is very remarkable, having two faces, inscribed *RICVS R* :: *S REX*. And on the reverse, *AV* :: *ON. R* :: *NICO*. And *REX ANGL*. Reverse, *LONDON*; three pellets, in each quarter of the cross. In the fifth

year of this reign, Bennet, son of Isaac, a Jew, stands charged on the revenue rolls with a hundred pounds and one mark of gold, *de obol. murice* or *mariscii* for a fine. The words are: "Be-  
" *nedictus filius Isaac debet Cl & j*  
" *marcam auri de obol. murice vel x.*  
" *marcas argenti, pro fine suo de car-*  
" *tis Aaron emptis a cancellario.*"  
Mag. Rot. 5. R. I. Rot. 3. a. m. 1.  
a little lower in the roll it was written  
*mariscii*. But what was meant by *oboli*  
*de murice*, Maddox says he cannot  
find.

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THE  
HISTORY  
OF  
ENGLAND.

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BOOK VIII.

*The reigns of king JOHN and HENRY III. Containing the space of seventy three years, with the state of the church from 1154 to 1272.*

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7. JOHN surnamed LACKLAND<sup>a</sup>.

1199.  
Reflections  
on John's  
right to  
Richard's  
succession.

THOUGH Richard had made his brother heir to all his dominions, John's right was not thereby rendered incontestable. How absolute soever a prince may be in his life time, as soon as his eyes are closed, his last will is no further regarded, than as consonant to the laws, unless supported by force. In the affair of Richard's inheritance, two queries offered, not easy to be decided. The first was, whether, according to law, Arthur, duke of Bretagne, as representing his father Geoffrey, elder brother of John, had not as much or more right than his uncle John, who was one degree nearer. The second

<sup>a</sup> King Henry his father gave him that nickname, because he left him in his will no lands nor inheritance, but

recommended him to be provided for by his elder brother, Brompt.

query



query was, whether, in case the laws favoured the nephew, Richard had power to dispose of his dominions by a will contrary to custom. 1199.

Two things rendered the decision of these queries very difficult. First, the diversity between the laws of the several states, this succession consisted of. Secondly, in the kingdom of England, the largest and most considerable part, there was no settled law concerning the succession to the crown, by which the kings were allowed or debarred the power of disposing of it as they pleased. And if, for want of such a law, the English history had been searched for examples to establish a precedent, that method would have been no less perplexing. From the conquest to the time I am speaking of, there had been no occasion to establish or exclude the right of representation in respect to the crown. It is very true, that in running over the times of the Saxon empire, several instances might have been found, but as there were others directly opposite, it was not easy to decide the matter from thence. Besides it was now above a hundred years since the Saxon laws and customs were in force, the Normans having introduced a new system into the kingdom. The strongest argument in favour of John was, that, there being no established law concerning this matter, his title was as good as Arthur's, and moreover, he had for him king Richard's will. But on the other hand, in most of the provinces possessed by the English in France, the right of representation in the lineal descent was generally received. This affair therefore would have been liable to great discussions, had it been to be determined in a court of justice, or in the general assembly of the states, by an impartial judgment. But John not thinking proper to commit his right to the decision of any tribunal, took a course, which to him seemed not so uncertain. He believed his right indisputable, or perhaps his ambition would not permit him to be more scrupulous to his nephew, than he had been with regard to the king his brother. Be this as it will, he judged that diligence was a more effectual means to gain his point than a decision which might be to his disadvantage. He had with him beyond sea, two men, who seemed proper instruments for his designs, by reason of their great interest in England. The first was Hubert, archbishop of Canterbury, the other William Marshal, afterwards earl of Pembroke. These two lords being wholly devoted to his service, whether because they believed his title good, or for other private reasons, promised to use all their credit in his favour. Not to lose time, which to him was so

John takes measures to secure the crown.

Hoved.  
precious, M. Paris.

1199. precious, he dispatched them forthwith into England, enjoining them to act in concert with the queen his mother, and the chief justiciary, who had been for some time in his interests. As for queen Eleanor, though it seemed she should have been in suspense, between her son and grandson, there was a secret reason which biassed her in favour of her son: namely, her fear that if Arthur ascended the throne, his mother Constantia would seize the administration of affairs, during her son's minority, then but thirteen years old. Her high spirit would have made her extremely uneasy, if she had been obliged to live under her daughter-in-law.

His friends  
serve him  
zealously  
and poli-  
tically.  
M. Paris.  
Hoved.

The four persons on whom John relied, served him with zeal and success. The justiciary had great power during the inter-regnum. The archbishop was at the head of the clergy. Eleanor was beloved and respected in the kingdom, and William Marshal was a lord distinguished by his merit, though not yet by his dignities. After concerting together the properest methods to serve the prince effectually, they laboured to gain the magistrates of the cities and towns<sup>b</sup>. Their aim was, by their help to win the people, that they might afterwards meet with less opposition from the nobles. Their endeavours being crowned with all the success they expected, they thought themselves sufficiently strong to summon the lesser nobility to take the oath to John. There were but few that refused it, as well because they imagined it agreeable to the general sentiment of the nation, as because they were unacquainted with the young duke of Bretagne, who had never been in England. These two first steps being taken, the bishops and barons were summoned to take the same oath, but these were not so easily managed. Besides that, many questioned whether John's pretensions were just, they looked upon themselves as the proper judges in the affair, instead of being obliged to submit to the decisions of others. However, as the people had now declared for John, they did not think themselves in a condition absolutely to refuse taking the oath. Accordingly, on pretence of examining into the laws of the realm they demanded a delay. In the mean time, believing a civil war unavoidable, they began to fortify their castles<sup>c</sup>, and make preparations to support the most rightful cause, or at least, that which to them seemed most agreeable to their interest. These proceedings alarmed the prince's friends. As they knew he was

<sup>b</sup> Homines regni tam de civitatibus, quam de burgis, & comites, & barones, & liberè tenentes. Hoved.

<sup>c</sup> All the bishops, earls, and barons that had castles, furnished them with arms and provisions. Hoved.

not beloved, they were apprehensive, the barons were determined to oppose him. To prevent this design, they convened at Northampton an assembly general, where they used their utmost endeavours to gain those they most suspected.<sup>d</sup> Among other things, they promised in John's name, that he would fully restore all the rights and privileges of the nobles and people. This promise, joined to others privately made to the most obstinate, produced the desired effect. All the lords unanimously engaged to swear fealty to John, and by that means the whole kingdom was well disposed in his favour before his arrival. An embassy sent at this time from the king of Scotland to demand Northumberland<sup>e</sup>, gave some uneasiness to those that were at the helm. They were afraid, he intended to take advantage of so favourable a juncture, to become master of that county, as indeed, it would have been very easy, England not being then in condition to maintain a war. However, they found means to content the ambassadors with fair words, promising them, as soon as John was arrived, he would give their master satisfaction.

1199.  
M. Paris.  
Hoved.

The king of  
Scotland's  
demands  
eluded.  
Hoved.  
M. Paris.

Whilst John's adherents were labouring for him in England, he himself was not idle in France, where he was detained by two important affairs. The first was a negotiation with Robert of Turnham; who had the custody of Richard's treasure in the castle of Chinon, of which he was willing to see the issue, before he crossed the sea. He was at length so fortunate as to gain that officer, who delivered him the money in his keeping, and surrendered to him the two important cities of Saumur and Chinon, of which he was governor. The other affair which kept John beyond sea, was to cause himself to be owned for sovereign by the provinces, the English held in France. Though in England every thing went to his wish, it was not so in France, where young Arthur his nephew created him great uneasiness. Besides his natural right to these provinces, it was to be feared, the king of France would assist him with all his forces to take possession. And indeed, nothing could be more advantageous for that monarch, than to see them rent from the English monarchy. Moreover, all seemed inclined to favour Arthur. The governor of Angiers<sup>f</sup> had

John becomes master  
of the late  
king's treasure.  
Hoved.  
M. Paris.

Hoved.  
M. Paris.

<sup>d</sup> David, brother to the king of Scots, Richard, earl of Clare, Ranulph, earl of Chester, William, earl of Tutbury, Waleran, earl of Warwick, Roger, constable of Chester, William de Mow-

bray, &c. Hoved.

<sup>e</sup> And Cumberland, with their appurtenances. Hoved.

<sup>f</sup> Thomas de Furnes, nephew to Robert de Turnham.

1199. already delivered that place to him, and all the lords of Poitou, Touraine, Maine, and Anjou, were resolved to acknowledge him for sovereign <sup>z</sup>. Thus John saw himself excluded from a great part of his brother's inheritance. As this example might prove of dangerous consequence with regard to Normandy, and even have some influence in England, John was in great perplexity. However, as he had Richard's treasure in his hands, he seasonably used it to gain the principal lords of Normandy. By the same means, he levied an army, and laid siege to Mans, which had sided with the duke of Bretagne. This place not making a long resistance, he believed it necessary to strike a terror into the Normans, by an instance of severity, which should frighten them from declaring against him. For that purpose, he ordered the walls of Mans to be razed, and the chief burghers made prisoners. These rigorous proceedings had the desired effect. However inclined the Normans were to Arthur, they thought it prudent to submit to his uncle, in order to avoid the impending evils. As soon as they had taken this resolution, John came to Roan, where he was crowned duke of Normandy <sup>a</sup> by the archbishop of that city, who had been a great instrument in disposing the people in his favour.

John takes  
Mans and  
razes the  
walls.  
Knighton.  
Hoved.  
M. Paris.

M. Paris.  
Hoved.

It was by no means proper for John to think of reducing the other provinces in France, before he had taken possession of the crown of England. Besides that, a too long delay might be prejudicial to him, so great an undertaking would be impracticable, without the assistance of the English. He was determined therefore to pass the sea, and arriving at London the 25th of May, he caused himself to be crowned next day in Westminster abbey. Before the ceremony began, Hubert, archbishop of Canterbury, made the following speech to the lords and people assembled.

Archbishop  
of Canter-  
bury's  
speech.  
M. Paris,  
p. 197.

“ NO person can have a right to the crown of this kingdom, unless after humbly invoking God's Holy Spirit, he be first unanimously elected for his extraordinary virtues, and then solemnly anointed king after the example of Saul and David, whom God was pleased to set over his

<sup>z</sup> Declaring it to be the right and custom of those territories, for the son of the elder brother deceased, to succeed before the younger. Hoved. M. Paris.

<sup>a</sup> On April 25. He was girt with the sword of that dukedom (a: M. Pa-


ris expresses it) in the cathedral of Roan, and the archbishop put on his head a golden circle, or coronet, adorned all round with golden roses, curiously wrought. He took an oath at the same time, which see in Hoved. p. 792.

“ people,

“ people, though neither was son of a king, or royally de- 1199.  
 “ scended. The former was chosen for his valour, the lat-  
 “ ter for his humility and piety; it pleased God that such  
 “ as were to be clothed with sovereign power, should be  
 “ eminently distinguished by their virtues. If therefore any  
 “ one of the family of the late king excels the rest, we  
 “ ought readily to consent to his election. I speak this in  
 “ favour of the noble duke John here present, brother to  
 “ our illustrious king Richard, who died without issue.  
 “ This prince, being endowed with all sorts of virtues, and  
 “ particularly with great valour and prudence, as well in re-  
 “ spect of his merits as birth, with the invocation of the  
 “ Holy Spirit, we elect king.”

After this short harangue, the archbishop set the crown on John is  
 John's head, having first administered to him the customary crowned.  
 oath. The bishop of Durham protested against the corona- M. Paris.  
 tion, as done in the absence of the archbishop of York. But Hoved.  
 this pretension, being founded neither on law nor custom,  
 was not regarded,

The archbishop of Canterbury's speech well deserves some Remarks on  
 remarks. Several pretend to prove from thence, that by the archbi-  
 election only the kings of England in those days ascended shop's  
 the throne. They ground their opinion upon the arch- speech.  
 bishop's declaring it, on so solemn an occasion without any  
 opposition. They urge likewise the silence of the prince  
 elected, who must have been offended at so bold an asser-  
 tion, if he had not been satisfied, the people had such a  
 right. But I do not see how this consequence can be drawn.  
 Hubert takes upon him to declare, John comes to the crown  
 only by election, without the states appearing to have been  
 first consulted about it. Nay, it does not appear, that after  
 he had ended his speech, he so much as asked the assembly's  
 opinion but proceeded immediately to the coronation of the  
 king, upon the people's acclamations, who were got toge-  
 ther to see the ceremony. Besides, if John was elected at  
 that time, whence is it that all England had already sworn  
 fealty to him? was it usual to take the oath before the elec-  
 tion? do we find any such thing practised in elective king-  
 doms? moreover, if the right of election was then established  
 in England, what made the archbishop alledge the examples  
 of Saul and David? would it not have been more to the  
 purpose to produce those of the former kings of England?  
 but of these he says not a word. He contents himself with  
 insisting upon the examples of two kings of Israel, much  
 more

1199.  more proper to establish a new right than to prove its antiquity. There are even some authors that affirm, the whole assembly was extremely surprised at the archbishop's discourse: adding, that after the ceremony, being asked the reason of so extraordinary a proceeding, he replied, that he foresaw John would bring the kingdom into great confusion, and therefore had judged it proper to let him know, that he mounted the throne by election, and not by hereditary succession, to the end he might always remember, that those who gave him the crown, had likewise the power to take it away. If this particular was certain, the right of election would be overthrown by the archbishop's own words. For there is no need of any private reasons for the use of a right, when it is certainly established. But it is not likely that Hubert had the gift of foreseeing what did not happen till several years after.

M. Paris,  
p. 197.

To understand the motive of this speech, we need only consider the circumstances of this pretended election. Hubert was entirely in John's interest. The business was to procure that prince a crown, to which the duke of Bretagne had pretensions, not altogether groundless. However, by promises or threats, the English were brought to swear to John. It was not therefore proper to say, he ascended the throne by hereditary right, since the question between him and Arthur had been neither examined nor decided. Consequently it would have been acting contrary to John's interest to revive it. But it was very advantageous for him to mount the throne by a sort of election, upon a double account. First, as it gave him a title to his coronation: secondly, as it gained him the people of England, who were thereby more likely to support their choice, than maintain him in his pretended hereditary right, which was liable to many difficulties.

The three  
principal  
events in  
the reign of  
John.

John was thirty two years of age when he came to the so much desired crown, but which, by the just judgment of God, served only to render him more unhappy. During the whole course of his reign, he met with nothing but misfortunes, and those the most terrible, having to deal with three irreconcilable enemies, Philip Augustus king of France, pope Innocent III. and the barons of his own realm. The first stripped him of almost all the provinces held by his predecessors in France. The second wrested from him the crown of England, and though he restored it afterwards, it was upon the terms of a dishonourable homage. In fine, the barons of England compelled him to give up all the prerogatives

gatives enjoyed by his predecessors since William the conqueror. These are the three principal events of this reign, the particulars whereof I am going to relate, as briefly as the subject will permit.

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As soon as John was crowned, his first care was to reward those who had been instrumental in placing him on the throne. William Marshal was created earl of Pembroke; Geoffrey Fitzpeter, the justiciary, received the title of earl of Essex. Archbishop Hubert considered as a recompence, the office of high chancellor, conferred on him by the king, though many were of opinion, his accepting it was a disparagement to his ecclesiastical dignity. Indeed, chancellors had been made archbishops of Canterbury, for instance, Thomas Becket; but this was the first time an archbishop was invested with the chancellorship <sup>1</sup>.

John re-wards those who had served him. Moved.

The new king being secure of the English, staid no longer in the kingdom than was necessary to amuse the king of Scotland. This prince was very urgent for the restitution of Northumberland and Cumberland, and threatened to carry war into those counties, unless he had speedy satisfaction. John had no design to comply with his demands, but however, did not think proper to reject them at such a juncture. To free himself from this difficulty, he chose to persuade him to be satisfied with a general promise, till his urgent affairs in France permitted him to enter into a negotiation with him <sup>2</sup>. Indeed this was his only course, since he could not relinquish his affairs in France, without danger of losing all.

He shifts off the king of Scotland's demands. Moved.

Constance, mother of Arthur, perceived by John's proceedings, that he designed to seize all the provinces in France possessed by Henry II. and Richard. But as she found herself unable to oppose it, she resolved to put the duke her son under the king of France's protection. To that end she desired him to give her a meeting at Tours, where she delivered the young duke into his hands, surrendering to him withal, the principal places of Bretagne, Touraine, Poictou, Anjou, and Maine, to hold them for Arthur.

The dutch-ess of Bre-tagne puts herself and son under the protec-tion of France. Moved. M. Paris.

Philip desired nothing so much as the recovery of the provinces enjoyed by the English in France. He had undertaken several wars to that end, though with little success.

Philip breaks the truce. Brompt.

<sup>1</sup> Hubert was chancellor in the last reign.

<sup>2</sup> King John sent the bishop of Durham to meet him, thinking he

would come and have an interview with him, and went himself as far as Nottingham. Id.

1199. It is no wonder therefore, if he did not fail to embrace so favourable an opportunity. Under colour of acting for Arthur, he had now broke the five years truce made with Richard.

John goes  
into Nor-  
mandy.  
Hoved.  
M. Paris.  
An. Boston.

He had even made himself master of Evreux, and the provinces of Maine, whilst the Bretons had surprised Angiers, from whence Morchad, king John's general, had driven them a little before. News of these things being brought to England, caused John to depart with precipitation, to look after his affairs beyond sea<sup>1</sup>. Upon his arrival at Roan<sup>2</sup>, he assembled an army of English and Normans, which was quickly reinforced with the troops brought by the lords of his party from the other provinces. This great armament surprised Philip. As he was unwilling to run any hazard, he pretended to be willing to end his differences with the king of England by way of negotiation, and for that purpose demanded a truce for fifty days. Instead of improving his advantages, John suffered himself to be deceived by his enemy, and granted him a truce. He imagined, the terror of his arms obliged the king of France to desist from his projects. Before the truce was expired, the two monarchs had an interview between Butivant and Gaillon, to try to adjust their differences. Philip talked in such a strain, as shewed he was void of all fear. He demanded the Norman-Vexin for himself, and Poictou, Anjou, Maine, and Touraine, for Arthur, for which provinces he had received that prince's homage. A demand, so opposite to John's designs, breaking off the conference, and destroying all hopes of peace, hostilities commenced on both sides.

Truce for  
fifty days.  
Hoved.  
M. Paris.

Brompt.  
Hoved.  
P. 795.  
M. Paris.

Death of  
Joanna the  
king's sister.  
Hoveden.  
Cattel. hist.  
des cont. de  
Toul.  
Philip dis-  
gusta Ar-  
thur.  
Hoved.  
M. Paris.

Joanna, countess of Tholouse, and queen-dowager of Sicily, sister of king John, died in the beginning of this war at Roan, where she was come to visit her brother. She was buried at Fontevraud, in a very splendid manner, near the kings Henry and Richard her father and brother.

Whilst John was taken up with his sister's funeral, Philip was in Bretagne, where he made himself master of certain places that had declared for John. Among these was the castle of Belun, which Philip ordered to be demolished as soon as it was in his power. This proceeding offending William de la Roche, governor of the young duke, he complained of it as a breach of the treaty made with Philip, in the name of his pupil. Indeed they had agreed, that all the places taken from the enemy, should be delivered

<sup>1</sup> He sailed from Shoreham, June 19, with a numerous army. Brompt. here into a treaty with him. M, Paris. Hoved.  
<sup>2</sup> Philip earl of Flanders entered



into the hands of the duke, as soon as he came of age. But instead of excusing the thing from the circumstances of the war, Philip scornfully replied, it was not to be expected that the consideration of the duke of Bretagne's interest should hinder him from consulting his own. At the same time, without giving the governor other satisfaction, he marched on to besiege Lavardin. But upon king John's approach at the head of a numerous army, he thought fit to retire into Maine. For the same reason, he found himself obliged also to quit that province, and shelter himself in his own dominions.

1199.

John raises  
the siege of  
Lavardin.  
Hoved.

Mean time, what he had done in Bretagne, and his reply upon that occasion, opened the eyes of William de la Roche. This prudent governor, finding Philip had no other view than to use his young master as an instrument to advance his own affairs, thought it his duty to endeavour to blast his designs. Accordingly, he carried away Constance and Arthur from the court of Philip, and after a reconciliation, brought them to king John<sup>a</sup>. This might have proved fatal to the king of France, if he had not by good fortune, or perhaps by good management, recovered his loss, which he looked upon as very necessary to serve as a mask to his ambition. There were some in the court of king John, who, bribed by Philip, or out of affection to the young duke, intimated to Constance, that her own and her son's life were in danger near a prince, who would be so great a gainer by their death. These intimations, often repeated, made such an impression on the princess and the young duke, that they privately withdrew from king John's court, and threw themselves into the arms of their former protector.

Constance  
and Arthur  
reconciled to  
John.  
Hoved.

They return  
to Philip.  
Hoved.  
M. Paris.

As Arthur's return furnished Philip with a plausible pretence to continue the war, it caused John to lose all the hopes he had entertained, whilst the young prince was in his custody. In all appearance, this war was like to be of long continuance. John had strengthened himself with the alliance of the emperor Otho of Saxony, his nephew, who promised to make a powerful diversion in his favour. He had likewise gained the earl of Flanders, and by an unexpected turn, all Guienne had declared for him. All these advantages were sufficient to enable him to carry on the war without dreading his enemy. The province of Guienne

The good  
state of  
John's af-  
fairs.

Hoved.

P. 795.

<sup>a</sup> To whom he also delivered Mons.

1199. was so considerable, that John immediately laid aside his other designs to go and take possession.

1200. His affairs standing thus, he had reason to flatter himself with the hopes of success in the continuation of the war. However, he chose rather to listen to the proposals of peace, insinuated to him from Philip by the cardinal of Capua. The king's numerous forces, his alliance with the emperor, and the earl of Flanders, and the succours he might expect from the Gascons, made Philip sensible, it would not be possible at such a juncture to make any great progress. And therefore, finding the war promised him no advantage, he chose to procure by a peace, what he could not expect by arms. As he considered the young duke of Bretagne's interests only with a view to his own, he relinquished that prince, to obtain the better terms for himself. After a short truce, which brought on a treaty, a peace was concluded by the mediation of the cardinal of Capua, the pope's legate, upon these conditions :

Treaty of  
peace be-  
tween the  
two kings.  
Act. Pub.  
c. l. p. 117.

That Philip should give no assistance to the duke of Bretagne, but suffer John to take possession of Poictou, Maine, Touraine, and Anjou, without molestation.

That he should restore to John the earldom of Evreux, Berry, Auvergne, and in general whatever was taken from the English since Richard's death.

That immediately after the restitution of Berry, and Auvergne, John should resign these two provinces, for a certain time, to prince Lewis son of Philip, and pay him twenty thousand \* marks of silver for the dowery of Blanche of Castile his niece †, whom that prince was to marry.

That in case John died without issue, he should leave these two provinces to Lewis.

That John should not assist, directly, or indirectly, the emperor Otho his nephew, who was at war with France.

Hoved.

This treaty was fatal to the duke of Bretagne. The young prince finding he was too weak to resist the king his uncle, without the assistance of France, quietly lost all the provinces that had declared for him. Nay, he saw himself obliged to do homage for Bretagne to king John, as his predecessors had always done to the dukes of Normandy. However, though the king of France had thus deserted him, he chose rather to stay with him, than to trust himself with

\* Thirty thousand. M. Paris.

VIII. and Eleanor daughter of Henry II. Rayn.

† She was daughter of Alphonso

an uncle, of whom he had entertained a suspicion, which 1200.  
could not be blotted out of his mind.

As soon as the peace was signed, queen Eleanor set out for Spain to fetch Blanche of Castile her grand-daughter, who was to be married to prince Lewis. As the kingdom of France was then under an interdict, she conducted the young princess to Roan, where the nuptials were solemnized. All the articles of the treaty being executed, except the delivery of Berry and Auvergne, to the king of France, John faithfully performed his engagement. Thus the two courts parted, in appearance, in perfect union.

Mean while the emperor, offended at the peace made without consulting him, sent ambassadors to the king his uncle to upbraid him, and to demand withal some jewels, left him by king Richard in his will. But as John had no farther occasion for his assistance, he found reasons or pretences to dispense with giving him satisfaction.

If John faithfully executed his part of the treaty, Philip was no less punctual to perform whatever he had promised. He beheld with a seeming unconcern, the progress of the king of England, who, taking advantage of Arthur's weakness, dispossessed him of all the provinces that were given him. Bretagne alone, to which John could lay no claim, remained in subjection to the duke.

But whilst John was making all these conquests, he himself was vanquished by the charms of Isabella of Angoulême, one of the greatest beauties in her time. She had been contracted to Hugh earl of Marche, but, being then too young, the marriage was not consummated. Several obstacles afterwards intervened, which prevented the consummation, though the contract still remained in force. The violent passion John entertained for this lady, made him with all imaginable ardour seek means to possess her. But his ends could not be attained without very great difficulties. There were no less than two marriages to break through, his own with Avifa of Gloucester, (who during the nine years they had been together, had never given him any cause to complain,) and that of Isabella, with the earl of Marche. However, his new passion putting him in mind that Avifa was related to him within the degrees forbidden by the canons, and that the archbishop of Canterbury protested against his marriage, he desired the pope to annul it. Whether the pope was

1 As also the earldoms of York and Poitou, which he said the late king

Richard had given him. Ann. Burt. Moved.

Prince Lewis marries Blanche of Castile. Moved. M. Paris.

Embassy from the emperor to king John. An. Burton.

John takes possession of the provinces that had sided with Arthur. Moved.

He falls in love with Isabella of Angoulême. An. Burton.

Moved. M. Paris. He divorces Avifa of Gloucester. Diceto. An. Burton.

1200. willing to do the king a pleasure, or was glad of an occasion to exert the authority of the church, he appointed the archbishop of Bourdeaux and two other bishops, judges of the case. After a slender examination, the commissioners declared John's marriage with Avifa null and void; which done, the king demanded Isabella of the earl of Angoulême her father, who gave her to him, without scrupling to break his word, to procure a crown for his daughter.

He marries  
Isabella.

Diceto.  
M. Paris.

In this manner most historians speak of John's second marriage. They assure us his love for Isabella of Angoulême was the real motive of his annulling the first<sup>1</sup>. There is one however, who undertakes to vindicate the king, by intimating that Avifa was divorced before his passion for Isabella. But I question whether the authority of a single historian can outweigh the testimony of all the rest.

Constance of  
Bretagne  
marries Guy  
of Thouars.  
Argentré,  
Hoved.  
She dies.

A little after the king's marriage, Constance of Bretagne, who was married to Ralph earl of Chester, having lost her second husband, or, as some say, voluntarily quitted him, espoused for her third, Guy de Thouars. She died in 1201, having lived about a year with her new spouse. By this third marriage, she left a daughter called Alice, who was dutchess of Bretagne, after the death of her brother Arthur.

The English  
have a mean  
opinion of  
John.

John thought himself happy in obtaining for a moderate sum, and the resignation of Berry and Auvergne, the provinces in France enjoyed by his ancestors. But the English deemed the treaty so dishonourable, that they could not forbear murmuring. They considered their king as a slothful and indolent prince, who was so mean-spirited as to purchase a peace, when all things seemed to promise him success in the war. But these murmurings gave him but little uneasiness. He imagined he had done enough in depriving the duke his nephew of the protection of France, and reducing him to Bretagne alone, of which also he did not despair of one day dispossessing him.

John returns  
to England.  
M. Paris.

As soon as he had settled his affairs in France, and secured his new acquisitions, he returned to England<sup>2</sup>, where presently after he convened an assembly or parliament, and de-

<sup>1</sup> M. Paris says, the king of France advised king John to marry her.

<sup>2</sup> In October, and ordered, that wine of Poictou should not be sold in England for above twenty shillings per tun: wine of Anjou not above four and twenty shillings; and French wine not above five and twenty shillings. And

by retail, that Poictou wine should not be sold above fourpence a quart; and white wine sixpence. But this order being found too strict, it was afterwards mitigated, and people were allowed to sell red wine sixpence a quart, and white eight pence. Hoved.  
Ann. Burton.

manded

demanded an aid of three shillings upon every hide of land, for the dowry of Blanche of Castile his niece, according to his agreement with Philip. This demand met at first with great opposition. People could not understand what business the English had to pay the dowry of a Spanish princess to marry her to a French prince. Nevertheless, as it was the first aid he had demanded, it was not thought proper to deny it. But it was consented to with so much reluctance, that he easily saw how difficult it would be for the future to raise money upon the people, unless he rendered himself absolute. And this, it is pretended, he began from that time to labour to effect.

1200.  
He demands a subsidy, which is granted to great difficulty.  
Hoved.  
M. Paris.

Mean while, Geoffrey, his natural brother, who was archbishop of York, making light of the consent of the states for this tax, forbade the collectors to levy it within his diocese. Nothing could be more groundless than the archbishop's pretensions. He had no right to oppose what was resolved by the body of the nation. But he was a turbulent and ambitious person, who, wanting to set himself forward, would have been very glad to find himself seconded. John never expected to meet with opposition from that prelate, after the signal service he had done him during Richard's absence, in delivering him from prison, and openly espousing his cause against Longchamp. But however, notwithstanding the reason he had to be displeased with him, he was willing to use him gently, and therefore was contented with requiring him to attend him in France, imagining that by his absence this affair would fall to the ground. But the archbishop refusing to comply with his orders, furnished the king with a pretence to seize his temporalities. This punishment was not capable of humbling his daring spirit. He excommunicated the sheriff of the county of York, with all his officers employed in levying the tax, and laid his whole diocese under an interdict, because the people were not forward to support him. He flattered himself that the whole kingdom would be ready to declare for him. But when he saw himself left to act alone, he sought means to be reconciled to the king. The present juncture was favourable to him. John, being about to be crowned with his new queen, thought it unbecoming at such a season, to refuse a brother the pardon he desired.

The archbishop of York opposes the levying of the subsidy.  
Hoved.  
M. Paris.

Hoved.

John pardons him, and is crowned again.  
Hoved.  
P. 311.

Immediately after the king's coronation, Hugh bishop of Lincoln died at London with the reputation of sanctity.

M. Paris.  
Hoved.

Since the death of Richard, the king of Scotland was very importunate for the restitution of the two counties, to

1200. which he laid claim. He had been often amused with general promises, that were never performed. At length, finding there was no haste made to content him, he openly threatened him to do himself justice by force of arms. Whereupon, John could no longer delay this affair, which began to make him uneasy. But, instead of treating by embassadors, he believed he should do better by talking in person with William, and for that purpose desired him to come to Lincoln<sup>t</sup>, where he went himself to meet him. Before the negotiation began<sup>u</sup>, John required William to do him homage. To which William consenting, the ceremony was performed on a hill<sup>v</sup>, without the city, in the presence of the archbishop of Canterbury, who administered the oath of fealty to the vassal king. It is not known for what lands William did this homage, as the Scotch writers have not positively determined the matter; the English infer, it was for the whole kingdom of Scotland. But this inference is not altogether just. Besides, it is unlikely this prince should voluntarily return to the vassalage, from which he had been freed by king Richard before his departure for the Holy Land. And indeed it does not appear there was any alteration in this respect, since Richard, by an authentick charter, had renounced his right of sovereignty over Scotland. Be this as it will, the homage being done, the king of Scotland would have moved his affair, but the king had the address to refer it till another time, pretending he could do nothing without the consent of the states<sup>x</sup>. He even obliged William to swear he would not marry his daughter without his approbation.

An interview between the kings of England and Scotland at Lincoln. A.D. 1200. The king of Scotland does homage to John. Knighton. Hoveden. Brompt. Hemingsf.

Remarks upon it.

John shifts off the king of Scotland's demands.

M. Paris. Hoved. Diceto.

The king receives the Cistercians into favour. Hoved.

Whilst these two monarchs were at Lincoln, the body of Hugh, late bishop of that city, being removed thither from London, they both went to meet it, and for some time bore the coffin on their shoulders.

It was here likewise that the Cistercians, who refused to pay the late tax, sent to the king twelve abbots, who falling prostrate at his feet, humbly implored his mercy. The king,

<sup>t</sup> At a parliament holden there. Brompt. p. 1282. He sent the following persons to him with a safe-conduct; Philip, bishop of Durham; Roger Bigot, earl of Norfolk; Henry de Bohun, earl of Hereford; David, earl of Huntingdon; Roger de Lasci, constable of Chester; William de Vescei, and Robert de Ros, the king of Scotland's sons-in-law; and Robert Fitz-

roger, sheriff of Northumberland. Hoved.

<sup>u</sup> Which was on Novemb<sup>r</sup> 22, in the presence of the great men of both nations, and in the sight of all the people. Brompt. Hoved.

<sup>v</sup> Since called Bore-hill.

<sup>x</sup> William demanded all Northumberland, Cumberland, and Westmoreland. Hoved.

struck

struck with the sight, fell on his knees and asked their blessing, promising them to found an abbey for their order. Some time after he performed his promise, and built the abbey of Bowley, called by some Beaulieu in Hampshire, which he endowed with the privilege of sanctuary and with large revenues.

The respect shown by John to the body of the bishop of Lincoln, and his condescension for the Cistercian monks, were not sufficient to gain him the affection of the clergy. He fancied, the ecclesiasticks, prepossessed in his favour by the late proofs of his attachment to the church, would decline all occasions of creating him trouble. But it was not long before he was sensible his proceedings had not the desired effect. The see of Lincoln being vacant, the king, according to the custom of his ancestors, recommended a person to the canons of that church. But though the king's nomination had till then been always regarded, this was rejected with outrageous contempt, the refusal not being softened with the least civility <sup>7</sup>. Innocent III. who sat then in the papal chair, having resolved to deprive princes of their share in the elections of bishops and abbots, had taken measures beforehand to cause the king's nomination to be rejected. For this reason, doubtless, finding themselves secure of the pope's protection, the canons showed so little regard for their sovereign.

Some time after, John received a fresh mortification. Hubert, archbishop of Canterbury, who had expressed so great an attachment for him, lost it when the rights of the clergy, and the privileges of his see, came to be supported. Hitherto there had been no synod held in England without the king's license. This was a difference paid the king without being thought injurious to the church or clergy. But it seems Innocent III. mounting the papal throne at thirty five years of age, formed the project of depriving princes of every thing that looked like jurisdiction over the church. Hubert, informed of this design, and directed by the pope, began the first to disregard the king's commands. He not only convened a synod without his leave, but even held it notwithstanding the king's positive prohibition by his justiciary. Probably, the little resentment expressed by the king at this boldness, was very prejudicial to him afterwards. It was easy to see, that, terrified by the example of the

The canons of Lincoln refuse to elect a bishop nominated by the king. Hoved.

Hubert calls a synod, notwithstanding the king's prohibition. M. Paris. Hoved. p. 806.

<sup>7</sup> Hoveden says, the king would nominate one himself, and the canons insisted upon a free election.

1201. king his father, he resolved to avoid all occasions of quarrel with the clergy. His enemies made a very ill use of this knowledge on more important occasions. Hubert, not content with thus slighting the orders of his sovereign, endeavoured to equal him in some measure, and even to surpass him in magnificence. Whilst the king was celebrating the feast of Christmas at Guilford with great solemnity, the archbishop affected to do the same thing at Canterbury, with such pomp and splendour, that the king was piqued at it, and considered it as a sort of bravado. To

Hubert vies  
with the  
king.  
M. Paris.  
Hoved.  
Matt. West.

punish the archbishop's vanity, he caused himself to be crowned again at Canterbury, with the sole view of putting him to a great expence. But this petty revenge served only to show, how much the king dreaded to attack directly those who were in credit.

The king is  
crowned a  
third time.  
M. Paris.  
Hoved.  
An. Burton.

The English  
are discon-  
tened.  
Knighton.

If the treaty John had made with France, gave his subjects an ill opinion of him, his behaviour after his return into England did not help to undeceive them. Most of the barons were not convinced of his title to the crown. If they had taken the oath to him, it was upon condition he would restore the privileges of the nobles and people. But in vain had they expected the performance of this promise.

The reasons  
of the nobi-  
lity's disgust.  
Hoved.  
M. Paris.

On the contrary, they saw him daily usurping an arbitrary power, which made them suspect a design upon their liberties. They were highly displeased with the aid he had obtained by a sort of compulsion. After that, he was seen to take a progress into the north, where, on pretence of trespasses on his forests, he had, contrary to the privileges of the people, arbitrarily exacted large sums from the northern counties. To all this he added fresh occasions of complaint, by debauching their wives and daughters, without regard to the quality or merit of those who were dishonoured by these actions. All these things bred in the minds of the barons a prejudice against him, which induced them by degrees to take measures to avoid greater evils, which they believed themselves threatened with. They began to hold private conferences, where they agreed mutually to assist each other, in case any one should be oppressed. At these conferences it was resolved to embrace the first opportunity, to let the king know, they never intended to submit to an absolute power. An opportunity presented sooner than they expected. The Poitevins revolting, and the king designing to go and chastise them, summoned all the barons to appear with their arms at Portsmouth, to attend him into France. The barons looking upon this as a favourable

The nobles  
resolve to  
oppose the  
king.  
Hoved.  
An. Burton.

juncture,



juncture, assembled at Leicester on some pretence. A few days after they sent this message to the king, That before they went over with him, they expected he should restore to them their privileges, pursuant to his promise before his coronation. John was of an impetuous temper, more capable of being governed by counsels, agreeable to his passions than of hearkening to sober advice. Several of his ministers advised him to give the barons some satisfaction, or at least some fair promises till their heat was abated. But he was not so wise or so fortunate as to follow their wholesome advice. He was so provoked at the insolence of the barons, that, without considering he was going to draw on himself their hatred by his violent measures, he demanded of them their castles as pledges of their fidelity. At the same time he marched himself, at the head of some troops, against Beauvoir castle, which he took in a few days. This first success terrifying the barons, who had not yet taken any measures for their defence, they saw themselves under a necessity of submitting, and, having put their children into his hands as hostages, came to Portsmouth. Whether John pretended to chastise the Poitevins, in order to raise money upon the nobility, or was afraid to leave the kingdom at such a juncture, he dispensed with the barons attendance, for two marks of silver upon every [knight's] fee. However, he sent the earl of Pembroke with some troops into Normandy, and followed him in person, as soon as he thought he might do it with safety.

1201.  
 They refuse to attend him into France.  
 M. Paris. Hoved.

He attacks the barons, who submit.

He dispenses with their going for money.  
 Hoved.  
 Mat. Paris.  
 An. Burt.

Upon his arrival at Roan, Philip desired to have a conference with him, in which he gave him such marks of esteem and friendship, that a prince of greater penetration than John would have been deceived. At this interview the treaty was renewed, and several great lords of both courts were made sureties, who promise to serve against the aggressor, in case of a rupture between the two kings. But such engagements, though very common in those days, were hardly ever observed. And therefore princes have long since ceased to give one another the like securities, which they have so often found to be unserviceable. Before they parted, the two monarchs agreed to contribute the fortieth part of their revenues to the holy war, and exhorted the

Hoved.  
 p. 329.  
 An. Burt.  
 They confirm their former treaty.

\* William Mareſcall, earl of Striguil and Pembroke, and Roger de Laſci conſtable of Cheſter, with two hundred ſoldiers. Hoved. He alſo delivered

to Hubert de Burg, his chamberlain, one hundred knights or horſemen, to defend the borders of England and Wales.

1201.

Philip invites John to Paris. Hoved.

wealthiest of their subjects to follow their examples. Philip, not content with caressing John in an extraordinary manner, desired the favour of his company for some days at Paris, where he lodged him in his own palace. In short, he omitted nothing to convince him he had a real affection for him \*.

Intrigues of Philip against John.

The friendship which the two monarchs had mutually sworn to preserve, seemed indeed likely to prove firm and lasting, since their engagement was entirely voluntary. And yet, it quickly appeared, that Philip's caresses to his pretended friend, were only to ensnare him. At the very time he was giving him all these marks of affection, he was projecting to deprive him of all his dominions in France. Hugh earl of Marche was his instrument to begin the execution of his designs. The earl could not behold king John in possession of a lady destined for him, without a deep concern and a lively sense of the injury. This gave room to presume, he would eagerly embrace an opportunity of being revenged. Philip, forming his scheme upon the earl of Marche's situation, spared no pains to excite him to revenge, assuring him of a powerful assistance. As soon as the earl was secure of the protection of France, he began by secret cabals to corrupt the Poitevins. He succeeded so well, that in a short time they were all ready to rebel against king John, for whom they had no affection. Upon which, Hugh, applying himself to the young duke of Bretagne, gave him to understand, the time was come, that he might with ease wrest from his uncle the provinces he had seized. Arthur, being informed by the earl, that the king of France had engaged to support him, believed, he ought to embrace so favourable an opportunity. The Bretons, his

Arthur joins Philip and earl Hugh.

\* In order to establish a lasting peace, it was agreed between them, that if either of the two kings went about to renew the war, the barons of both kingdoms, who were guaranties of the peace, should immediately join and declare against the prince that should attempt to break it. Hoved. M. Paris. Ann. Burton.—This year Walter de Lacy, a powerful nobleman in Ireland, under pretence of holding a conference with John de Curcy earl of Ulster, fell upon him, killed abundance of his men, and pursued him; the earl, in his flight, being invited by Hugh, brother to Walter de Lacy, to take shelter in his castle, was there de-

tained prisoner. But his adherents wasted the lands of Walter and Hugh de Lacy, till the earl was released. However, on Good-friday following, when the same earl was going unarmed and bare-foot in pilgrimage to a church, he was treacherously taken prisoner by his own people for a sum of money, and delivered to Hugh de Lacy, by whom he was sent prisoner to king John: who thereupon bestowed on this Hugh de Lacy the earldom of Ulster, and lordship of Connaught, which belonged to John de Curcy, having been conquered by him in the reign of Henry II. Hoved.

subjects,

subjects, readily joined in the conspiracy, by reason of their good opinion of their prince. They imagined, his name was auspicious, and for no other reason verily believed, he would gain as great a reputation as the famous Arthur, whose name he bore. Thus the love, jealousy, and resentment of the earl of Marche, the ambition of Arthur, and the avarice of Philip, conspired to king John's ruin. Meanwhile, he spent his time in diversions and entertainments with his new queen, without the least suspicion of danger. He was roused out of this supine carelessness, by Philip's haughty treatment at a second interview near Gaillon. The French monarch, whose matters were ripe, talked very high. He demanded for Arthur all king John's provinces in France, with reasonable satisfaction for the earl of Marche, and in case of refusal, summoned him to appear before the court of peers, and abide by their judgment. John was extremely surprised to hear him talk in so different a strain from what he had done at their late interview. As he did not think his affairs were in so bad a situation, as to be obliged to purchase a peace upon such hard terms, he refused to comply with Philip's demands, and disdained his citation. His refusal furnished the king of France with the pretence he waited to invade Normandy, where he took several places before John could oppose his progress.

Towards the middle of autumn, Philip, satisfied with his first campaign, returned to Paris, where he celebrated the nuptials of Mary, his eldest daughter, with Arthur. His aim was thereby to justify his present undertaking, under colour of maintaining the cause of his son-in-law. A few days after, Arthur departed; attended with two hundred lances, to take upon him the command of the revolted Poitevins. When he came near Poictou, he was informed, that queen Eleanor, his grandmother, was in Mirabel with a weak garrison. Upon which, resolving to surprise that place, he marched directly thither, and soon became master of the town. But it was otherwise with the castle, where the queen was retired. The resistance he met with, making him sensible it would be difficult to carry the place with so few troops, he called the earl of Marche to his assistance, who hastened to the expedition, as to a certain victory.

Mean time, king John, who had received intelligence of his mother's danger, was marching day and night to her relief. His speed was such, that he approached his enemies before they had made any progress in the siege. However, it was in their power to retreat, but the animosity of the two leaders

1201.

1202.

A second interview between the two kings. *Ibid.*

Philip summons John to appear before the court of peers. John disdains his citation.

Philip invades normandy. *M. Paris.* Arthur marries the king of France's daughter.

Goes to Poictou; and besieges Mirabel. *M. Paris.* An. Waverl.

*M. Paris.*

John flies to its relief. *Id. p. 174.* An. Waverl. *M. West.*

1202. The same year, the pope demanded a fortieth part of all the ecclesiastical revenues in England, towards the charge of the holy war.

M. Paris.

John is crowned a fourth time. Id. p. 175.

The Bretons complain of the death of their duke, and are stirred up by the king of France. P. Emilios.

They demand justice of Philip. Argentré. Hist. de Bret.

John is summoned before the court of peers. M. Paris. An. Margan.

Immediately after the death of Arthur, John returned into England, and causing himself to be crowned a fourth time, he repassed into Normandy. He found, the report of the duke of Bretagne's murder was every where spread, with circumstances very injurious to his reputation and honour, and yet he was in no haste to discover the manner of the prince's death. For which reason all the world was convinced, he himself was the author of that barbarous deed. The Bretons especially complained of the tragical death of their sovereign. They maintained, if John did not kill him with his own hand, it was at least evident, the murder could not be committed without his consent, or even his orders. The king of France, who wanted to improve this juncture, exasperated them as much as possible, by means of his emissaries. He caused it to be suggested to them, that in case they applied to him, as John's sovereign lord, he would do them ample justice. This was sufficient encouragement to the Bretons, who burned with desire to revenge the death of their duke. Guy de Thouars, husband of the deceased dutchess, and guardian of Alicé her daughter, assembled the nobility of Bretagne at Vannes upon this occasion. At this meeting it was unanimously resolved to apply to the king of France for justice. Pursuant to this resolution, the bishop of Rennes and another lord were commissioned to carry their complaints to Philip, who gave them a very gracious answer. He appeared more incensed against John than the Bretons themselves, and openly declared that neither honour, nor justice, nor conscience would suffer him to let such a parricide go unpunished. To show his threats were not in vain, he himself demanded justice of the court of peers, before whom he displayed the barbarity of the murder committed on the body of the duke of Bretagne, in a place held of the crown of France, and of which the king of England, his vassal, was accused. It was not difficult to obtain whatever he desired. The court ordered John to appear before them, and

making the prince ride before him. Then leaving his attendants behind, he went on along the coast, till he had found a place fit for his purpose, which was a high cliff hanging over the sea. Being got there with the prince, he spurred his horse up to him, and with his sword ran him through the body,

the poor prince crying in vain for mercy. That done, he pulled him to the ground, and dragging him by the feet to the brink of the precipice, flung him into the sea, not being yet quite dead, nor was the body ever seen afterwards. Hist. de Bretag.

answer

answer to what was laid to his charge. Upon the receipt of the summons, John immediately dispatched ambassadors to Philip<sup>e</sup>, to represent to him, that their master could not come to France without a safe-conduct, to which the king answered, he may come in peace. But when the ambassadors demanded a safe-conduct for his return, he roundly told them, that depended on the sentence which should be passed upon him. Then the ambassadors remonstrated, their master was not only duke of Normandy, but also king of England; and though he himself should think fit to expose his person to so manifest a danger, the barons of the realm would never consent to it: what is it to me? replied Philip; is not the duke of Normandy my vassal? if he has thought fit to acquire a higher title, ought I, upon that account, to lose my right of sovereignty! the ambassadors, plainly perceiving Philip was resolved to push the affair, retired without making any answer, and returned with all speed to inform their master how the court of France stood affected.

He sends ambassadors.  
M. Paris.  
p. 283.

As soon as the time appointed in the summons was expired, Philip caused John to be condemned for non-appearance, and ordered all his dominions in France to be united to the crown. It is remarkable, that in the sentence there is not a word of the satisfaction due to the Bretons for the death of their sovereign, though they were parties in the affair, and Philip seemed to concern himself in it only upon their account<sup>f</sup>. This is a clear evidence, his aim was not so much to do them justice, as to make use of this occasion to dispossess the kings of England. The English loudly murmured at these proceedings, and the more, because the king being actually in war with France, he was under an absolute necessity of not appearing, by being summoned before a peace was concluded, and denied a safe-conduct for his return. But without troubling himself about their complaints, Philip endeavoured to put the sentence in execution.

John is sentenced to forfeit his dominions in France.  
Id. p. 284.

Whilst the king of France was making his preparations, John took no measures for his defence. He preposterously considered the sentence as a bravado of Philip's, and not as a fixed resolution to invade his dominions. Mean time, as

1203.  
Philip invades Normandy.

<sup>e</sup> Eustace, bishop of Ely, and Hubert de Burgh. M. Paris.

<sup>f</sup> P. Emilius, in his life of Philip, has recorded the sentence to this effect: that John, duke of Normandy, being unmindful of his oath to Philip his lord, had murdered his elder bro-

ther's son, an homager to the crown of France, within the seignory of that kingdom; whereupon he is judged a traitor, and as an enemy to the crown of France, to forfeit all his dominions which he held by homage, and that re-entry be made by force of arms.

1203. soon as the season permitted, the king of France took the field at the head of a powerful army, and as he met with very little opposition, reduced the best part of Normandy to his obedience. The progress of his arms was incapable of rousing king John, who, seeming insensible of his losses, thought of nothing but his diversions <sup>2</sup>, as if his affairs had been in the most prosperous condition. When notice was brought him that Philip had taken such a place, he only replied with great confidence, I will soon recover it again. However, without stirring from Rean, or making the least preparations, he gave his enemy time to secure and daily enlarge his conquests. In fine, he carried his insensibility so far that the people said publicly, he was bewitched. It is easy to judge what difficulties Philip would have met with in his undertaking, if he had been to deal with a less slothful enemy, by the resistance of one single place called Castle-Gailliard, which cost him a five months siege <sup>3</sup>.

and conquers  
great part of  
the country.  
M. Paris.  
M. West.  
John's  
strange  
slothfulness.  
M. Paris.

Mezeral.  
M. Paris.  
An. Waverl.

The English  
barons leave  
the king,  
and return  
to England.  
Philip con-  
tinues his  
progress  
without op-  
position.  
M. Paris.

Id. p. 209.

The English barons who attended the king into Normandy, earnestly besought him to exert himself. But finding he was deaf to all their remonstrances, they returned to England, tired with being witnesses of his invincible sloth. Mean time, Philip, taking advantage of his indolence, daily gained ground <sup>4</sup>. Not content with what he obtained by his arms, he endeavoured by his emissaries to excite in Normandy a general revolt, which might give him an opportunity of becoming at once master of the whole province. He caused it to be intimated to the Normans, that seeing they could hope for no assistance from England, it would be better for them to return freely to the crown of France, from whence they were wrested, than be compelled to it by arms: that by a voluntary submission, they would be sure to preserve their ancient privileges; whereas a resistance, which could not but prove ineffectual, would infallibly deprive them of their liberties. In how deep a lethargy soever king John seemed to be buried, his presence kept several of the principal cities of Normandy in obedience. But the moment they saw him about to depart for England, they thought it right to pro-

<sup>2</sup> M. Paris says, he continued at Caen, feasting magnificently with his new queen, and lying in bed with her every day till noon.

<sup>3</sup> It was defended by Hugh, or Roger de Lacy, constable of Chester; who signalized himself in the defence

of it. King Richard built it on the rock of Andeli, on the Seine.

<sup>4</sup> Hugh de Gurnai surrendered to him the castle of Montfort; and Robert Fitzwalter and Saer de Quinci the town and castle of Ruil, of which they were governors. M. Paris.

vide for their safety. Hardly was he embarked, before they concluded a treaty with Philip, obliging themselves to own him for their sovereign, provided they were not relieved in a year. But when they heard there were no preparations making in England, most of them came in before the year was expired. Thus, of all Normandy, the city of Roan only continued obedient to the king of England.

1203.

He makes a treaty with the Normans. Ibid.

That unhappy prince was far from any thoughts of giving the Normans the assistance they expected. Upon his arrival in England, instead of trying to gain his people's affection, so necessary at that juncture, he charged his barons with deserting him and occasioning the loss of Normandy. Under this pretence, the most unreasonable that ever was, he extorted from his barons the seventh part of their moveables, and though he had not the same cause of complaint against the clergy, made them liable to the same imposition. Hubert, archbishop of Canterbury, was himself his instrument in oppressing the clergy, whilst the justiciary rigorously exacted the money from the laicks. All England beheld with astonishment the king's indolence. They could not conceive that a prince, who till then had not wanted courage, and appeared so attached to his interest, could see Normandy lost with so much indifference. So strange a conduct made most of the English imagine, he had conceived some great design, which would be discovered at a proper season. This notion did not a little contribute to his obtaining of the parliament \*,

John treats his English subjects ill. M. Paris. p. 209.

1204.

an aid of two marks and a half of every knight's fee, which was granted in expectation the money would be employed in the recovery of what he had lately lost. But instead of using this aid according to the intention of the parliament, he laid it out in vain expences, being satisfied with sending ambassadors to France to endeavour to procure a peace. Philip, exalted with his success, was so far from lessening his demands, that he further required the princess Eleanor, sister of the late duke of Bretagne, for his second son, with all the territories the English enjoyed in France for her dower. This demand could not but be rejected. John not only could never resolve to give his niece such a dower, but it would have been very dangerous to deliver to Philip a princess, who, since the death of the duke her brother, had the same claim as he to the crown of England. Thus the negotiation broke off, and the English reaped no benefit from the aid granted the king.

He obtains an aid for the war. M. Paris. He tries in vain to make peace with Philip.

1204.

The king of  
France sends  
a champion  
into Eng-  
land.

An Irish  
earl is to  
fight him.  
P. Emilius.

The prodigious  
strength of  
the earl.

Philip takes  
Roan.  
Chr. Norm.  
M. West.

Meserai.

Shortly after the departure of the English ambassadors, Philip sent a champion into England, who challenged all that should maintain the king his master was in the wrong for what he had done against John. The court of England did not think fit to commit to the decision of a single combat their right to complain of the king of France's proceedings. However, this valorous champion was given to understand that since he was so desirous of fighting, a man should be found with whom he might try his strength. There was then confined in the tower, an Irish lord, John de Curcy, earl of Ulster, a person of gigantick stature and of known intrepidity, who was judged very proper to quell the French hector<sup>1</sup>. The prisoner being brought to court, the king asked him, whether he would fight in his cause? No, not in thine, answered the earl fiercely, but for the kingdom's right I will fight to the last drop of my blood. But whilst he was recovering his strength, which was much impaired by a long imprisonment, the French champion hearing of the prodigious strength of his adversary, privately withdrew into Spain, not daring to appear any more either in France or England. It is related of this earl of Ulster, that afterwards being in France in the English army, Philip, at a conference with John, desired to see some trial of his strength. The earl being come into the presence of the two kings, ordered a large stake to be fixed in the ground, on which was placed a helmet. Then looking round with a menacing aspect, he cut the helmet in two pieces with his sword. The blow was so violent that the sword stuck so fast in the stake that none but himself could remove it. Philip asking him, why he looked round so fiercely, he made answer, that in case he had missed his blow, he would have cut off the heads of all the spectators that no man living might be witness of his shame.

What Philip could not compass by a single champion, he performed by the help of many. Towards the end of autumn he laid siege to Roan, the citizens whereof seeing no likelihood of being relieved, surrendered upon condition they should enjoy their ancient privileges. But as a famous historian judiciously observes, this precaution proved as feeble against absolute power, as parchment against iron. As soon as Philip was master of Roan, he ordered the walls to be demolished. Thus all Normandy was reduced under the

<sup>1</sup> This was the brave John de Curcy, who, in the year 1177, conquered the kingdom of Ulster in Ireland. See

Gir Cambrens. Hiber. expugnata; and who had been treacherously taken prisoner.



dominion of France and united again to that monarchy, 1204.  
after a three hundred years separation <sup>m</sup>.

After the conquest of Normandy, Philip invaded the rest of the English provinces <sup>a</sup>, which at length were forced to submit to the conqueror <sup>o</sup>, after having in vain expected assistance from England. Of all that John's ancestors enjoyed in France, nothing remained but the dutchy of Guienne, which Philip did not think fit to invade.

Queen Eleanor, widow of Henry II. and mother of John, died this year in a very advanced age. She had the mortification, before her death, to behold the decline of the monarchy, to which she had given so great a lustre by the addition of so many provinces.

So many and great losses, joined to the murmurs of the English, roused John from his profound lethargy. When least expected, he seemed resolved strenuously to endeavour to regain both his reputation and the territories conquered by Philip. The Poitevins, dissatisfied with being under the dominion of the king of France, determining to revolt, sent to John for assistance. As he imagined, all the other provinces were in the same mind, he thought he could never have a fairer opportunity. Wherefore he summoned all the barons to meet him with their troops at Portsmouth, where he had ordered his fleet to be ready. But as he was going to embark, the archbishop of Canterbury and earl of Pembroke, threw themselves at his feet, beseeching him to desist from this expedition which he could not expect to be successful. They represented to him, that neither in Poitou, nor in any other neighbouring province, had he any one place to retire to in case of necessity: that Philip would make war with too much advantage, since he was master of all the fortified towns: that it was exposing himself to manifest danger to trust the Poitevins, who had so often deceived him, and pretended perhaps to invite him to their assistance only to deliver him to his enemy. In fine, they told him, that in an enterprize of this nature, he so visibly hazarded his own life, with his and the nation's honour, that his faithful subjects could not see it with indifference, but must use their utmost endeavours to divert him from it. These remonstrances mak-

<sup>m</sup> It had been governed by twelve dukes of the Norman race (of which king John was the last) for the space of three hundred and twenty years.

<sup>a</sup> Normandy, Touraine, Anjou, and Poitou, with all the castles and towns

belonging to them, except Rochelle, Thouars, and Niort. M. Paris.

<sup>o</sup> Through the treachery or ill conduct of William de Humat, whom king John had made governor of Normandy. An. Waverl.

1205.

ing no impresson upon him, they talked in a higher strait, and added such threats, that he was forced at last to follow their advice. Therefore, suddenly altering his resolution, he was content with sending succours to the Poitevins, under the command of the earl of Salisbury his natural brother. After which, he dismissed the army and fleet, who cursed the authors of this advice <sup>p</sup>. He was no sooner returned to London, but he repented of following the counsel of the earl and archbishop. But instead of quarrelling with them, he vented his anger on the nobility, from whom he extorted large sums on pretence they had refused to attend him. He supposed, without any grounds, that the earl of Pembroke and the archbishop of Canterbury spoke for the whole body. This was the second time he had arbitrarily exacted money from his subjects, without the consent of the states. But he did not do it with impunity. The sequel will show, that though vengeance was deferred, it only became the more terrible, when the barons found an opportunity to make him feel the effects <sup>q</sup>.

M. Paris,  
P. 232.

Second part  
of the reign  
of king  
John.

Hitherto we have seen the first part of John's misfortunes, occasioned as well by his own fault, as by the ambition of the king of France. But these, how great soever, were scarce to be compared with those that followed, especially, as he appeared but little sensible of the first, whereas, the others created him infinite vexation and trouble. It was not the ambition of a hostile king, which threw him into a gulph of misfortunes, during the second part of his reign, but the pride of him who called himself the common father of all christians: I mean pope Innocent III. who, for a slight cause, treated this prince so cruelly, that should a pope now behave in the like manner, there is no question but all Christendom would rise up against him. Let us proceed to the particulars of this affair, which makes the chief subject of king John's reign. But without dwelling on reflexions, which every reader may easily make without our help, let us content ourselves with relating the facts as advanced by the historians, most devoted to the court of Rome.

Death of  
Hubert.  
Knighton.  
M. Paris.

John scarce began to forget the loss of the French provinces, when the death of the archbishop of Canterbury threw him into fresh troubles. The election of the archbishops had for some time been a continual subject of dispute

<sup>p</sup> The nobles and knights having been put to vast charges for this expedition.

<sup>q</sup> This year died Peter of Colechurch,

who began to build London bridge with stone, and was buried in the chapel upon that bridge. An. Waverl.

between the suffragan bishops and the monks of St. Augustine's. The bishops claimed a right to interpose in the election, as had been several times practised. The monks affirmed, on the contrary, that this right belonged only to them, according to ancient custom, and used their utmost endeavours to keep possession. Immediately after the death of Hubert, some of the monks combining together, whether out of fear the fraternity would not insist on their right, or for some other reason, resolved to elect an archbishop. To that purpose, meeting at midnight in the cathedral, they chose Reginald, their sub-prior, in expectation of having afterwards credit enough to obtain the pope's confirmation. This irregular election was transacted with all possible secrecy. The sub-prior bound himself [by oath] not to divulge it, till he had himself informed the pope of it: so that the other monks had not the least suspicion thereof. The electors, willing to complete the matter, found means to cause him to be sent to Rome, on some pretence, attended by some of their cabal. But he had not the power to keep the secret. Upon his arrival in Flanders, he took upon him the title of archbishop of Canterbury, and the monks his companions had no more discretion than himself.

This news coming to the king's ears, he imagined the whole monastery was concerned in the fraud, and prepared to make the monks repent of their rashness in electing an archbishop without his license. But they cleared themselves, and appealed him by their submissions. The clamours of the monks who were not in the intrigue, convincing the electors, that after the discovery of their secret, it would be very difficult to accomplish their undertaking, they chose to desist. Then the whole society jointly proceeding to a new election, the king recommended [John de Gray] bishop of Norwich, who was unanimously chosen, placed in the archiepiscopal chair, and invested with the temporalities. Shortly after, fourteen monks were sent to the pope, to inform him of what had passed, and to demand his confirmation of the new archbishop. At the same time, the suffragan bishops of Canterbury sent a deputation also to Rome, to complain of the monks assuming the sole right of electing the archbishop, and to inform his holiness of their reasons against it.

Whilst the deputies were on the road, the king, whose courage was roused, led a considerable army into Poitou, and reduced to his obedience the greatest of that province. But he was so weak, as to suffer himself to be once more

1205.

Some of the Monks of St. Augustine's privately elect their sub-prior. M. Paris. Hemingsf.

John threatens the monks.

1206.

A new election. M. Paris.

Some monks sent to Rome for the pope's confirmation.

John recovers part of Poitou, and makes a Truce with Philip.

1206. outwitted by Philip, who, finding himself unprepared, demanded and obtained a truce for two years <sup>r</sup>.

*Act. Pub.*

*t. i. p. 141.*

*M. Paris.*

*An. Waverl.*

*The affair of*

*the elections*

*brought be-*

*fore the*

*pope.*

*M. Paris.*

*Act. Pub.*

*t. i. p. 138.*

*The pope*

*nulls the*

*election,*

*M. Paris.*

*Knigh-ton.*

*and orders*

*Langton to*

*be chosen.*

*M. Paris,*

*p. 222.*

*The suffra-*

*gan bishops*

*lose their*

*cause.*

Mean while, the sub-prior of St. Augustine's, who was come to Rome, earnestly solicited the pope to confirm his election. But Innocent perceiving some irregularity in the affair, took time to consider of it. In the interim, the other deputies being arrived, told him all the circumstances, and petitioned him to confirm the second election. On the other hand, the agents of the bishops brought also their complaints against the monks, and showed him the reasons on which they built their pretensions. To decide these differences, the pope ordered the deputies to come on a day appointed to Viterbo, where he intended to pass some time. Here it was that in the presence of the pope, these affairs were discussed with some warmth, though as to the first, the reasons of both sides were not very effectual. Innocent, who was already resolved, voided both the elections, and ordered the deputies of the monks to proceed to a new choice, enjoining them withal to elect cardinal Stephen Langton, an Englishman, then at his court. The monks, surprised at this unprecedented order <sup>s</sup>, resolved at first to disobey it. They alledged in vindication of their noncompliance, that they were not empowered by their monastery, and besides, the king's consent was necessary. But the pope would not hearken to these reasons. He told them, as deputies they represented the whole monastery, and the consent of princes was needless for elections made in his presence. Therefore, without giving them time to reply, he commanded them on pain of excommunication, to elect cardinal Langton for their archbishop. The monks, awed by the presence and threatenings of the pope, complied, though unwillingly, with his orders. There was but one <sup>t</sup>, who had the courage to stand out. This extraordinary election was immediately confirmed by the pope, who would himself consecrate the archbishop elect.

According to the rule established by Innocent, in empowering fourteen monks deputed by their monastery, to elect an archbishop, the suffragan bishops of Canterbury could not but lose their cause with the monks. Accordingly, the pope gave it in favour of the monks, and forbid the bishops

<sup>r</sup> The French historians say, John sued for a truce. We frequently meet with the like contradictions between the historians of the two nations. Rigord, vol. III. says, that both armies being ready to engage, a truce was con-

cluded for two years.

<sup>s</sup> The annals of Margan say, it was contrary to the ancient laws and liberties of the king and kingdom, p. 14.

<sup>t</sup> His name was Elias de Brantefield. M. Paris.

to interpose for the future, in the election of their metropolitans.

1206.

Whilst these things were transacting in Italy, John entirely lost the hearts of his subjects, by extorting from them the thirteenth part of their moveables. In vain did the clergy, as far as it concerned them, oppose it; the act passed in parliament <sup>u</sup>, and the tax was levied as well upon the clergy as laity, though the former never gave their consent, and the latter granted it by a sort of compulsion. This violence occasioned many complaints and murmurings among the clergy, who till then had enjoyed the privilege of not being taxed without their consent <sup>w</sup>. However, as it was not in their power to resist, they endeavoured to be revenged, by exclaiming against the king's conduct, and rendering him odious to the people. The archbishop of York himself, the king's natural brother, a prelate of an impatient temper, excommunicated all the collectors of the tax, and withdrew out of the kingdom. Though the clergy's complaints were not groundless, the king's friends looked upon them as impertinent. They said, it was strange the ecclesiasticks should refuse to assist the king in his necessity, when a little before they had suffered without the least murmur, a legate to exact of all the beneficed clergy, large sums for the pretended occasions of the holy see. If the money which accrued to the king from this tax had been employed in the service of the state, it would have been some satisfaction to the nation. But they had the vexation to see it vainly squandered away, in the reception of the emperor, who was come to visit the king his uncle. His design was to persuade him to break the truce with France. But how urgent soever he might be, it was impossible to bring John to this rupture. However, to soften in some measure his denial, the king made him a present of five thousand marks, which served to pay the charges of his journey.

1207.

John extorts a subsidy by violence.  
M. Paris.  
The clergy opposes it in vain.  
An. Waverl.

Innocent very much suspected John would not be pleased with Langton's election, extorted by manifest force and an unprecedented encroachment. Indeed for some time after the conversion of the English, the popes chose such as were capable of well governing the growing church, and general-

M. Paris,  
p. 221.

The emperor visits the king.  
M. Paris.

The pope tries to appease John about the election of Langton

<sup>u</sup> In communi concilio. Annals of Waverl. an. 1207.—Coadunatis magnibus terræ apud Oxenford, de assensu eorum cepit xiii. partem catellorum hominum totius Angliæ. An. Margan, p. 14. This parliament was held in February. M. Paris.

<sup>w</sup> The annals of Waverl. say, that the king, following better advice, released the clergy from it. But afterwards he took the thirteenth part of all the goods in general, of those that held by knight's service.

1207. ly Italians, because there were but few ecclesiasticks in England qualified for that high station. But ever since archbishop Theodorus, who was the last sent from Rome, the popes had never pretended to choose the archbishops, without the consent of the kings. They were satisfied with confirming the elections, and obliging the archbishops to come and demand the pall at Rome. Since the conquest, they had not so much as nulled the election of an archbishop. And therefore to mollify the king, and induce him the more calmly to overlook this encroachment, Innocent wrote him the following letter, which for its singularity deserves to be inserted.

*Pope INNOCENT, to JOHN king of ENGLAND.*

Pope's letter to the king. " **A**MONG the riches that mortals prize as the most valuable, and desire with the greatest earnestness, it is our opinion that pure gold and precious stones hold the first rank. Though we are persuaded your royal excellence has no want of such things, we have thought proper to send you, as a mark of our good will, four rings set with stones. We beg the favour you would consider the mysteries contained in their form, their matter, their number, and their colour, rather than their value. Their roundness denotes eternity, which having neither beginning nor end, ought to induce you to tend without ceasing from earthly things to heavenly, and from things temporal to things eternal. The number four, which is a square, signifies firmness of mind, not to be shaken by adversity, nor elevated by prosperity, but always continuing in the same state. This is a perfection to which yours will not fail to arrive, when it shall be adorned with the four cardinal virtues, justice, fortitude, prudence, and temperance. The first will be of service to you in judgments, the second in adversity, the third in dubious cases, the fourth in prosperity. By the gold is signified wisdom. But as gold is the most precious of metals, wisdom is of all endowments the most excellent, as the prophet witnesses in these words, The spirit of wisdom shall rest upon him: and indeed, there is nothing more requisite in a sovereign. Accordingly, Solomon, that pacifick king, only asked of God wisdom, to enable him to well govern his people. The green colour of the emerald denotes faith, the clearness of the saphire, hope, the redness of the ruby, charity, and the colour of the topaz, good works, concerning which

“ which our Saviour said, let your light so shine before men, 1207.  
 “ that they may see your good works. In the emerald  
 “ therefore you have, what you are to believe, in the sa-  
 “ phire what you are to hope, in the ruby what you are to  
 “ love, and in the topaz what you are to practise, to the end  
 “ you may proceed from virtue to virtue, till you come to  
 “ the vision of the God of gods in Sion.”

It is difficult to guess the drift of this mysterious letter, whether it was a witty conceit of the pope's, or an intimation to the king, that he would need all the virtues represented by the rings, to withstand his attacks. However this be, lest John should mistake his meaning, he sent him soon after, a more intelligible brief<sup>2</sup>, exhorting him to own cardinal Langton for archbishop of Canterbury. He represented to him, that he was a native of England, cardinal of the Roman church, and learned in all the sciences. Moreover, he assured him, his exemplary life and christian virtues would be very advantageous to England, for spiritual, as his prudence and political virtues would be for temporal concerns. However, as he did not intend to make Langton's election depend on the good pleasure of the king, nor submit it to his examination, in another letter he sent his commands to the monks of St. Augustine's, and the suffragan bishops of Canterbury, to receive the cardinal for their metropolitan.

The pope  
exhorts the  
king to own  
Langton for  
archbishop.  
M. Paris,  
p. 223.

He enjoins  
the monks  
to receive  
him.

<sup>2</sup>. It must be observed, the apostolical letters are of two sorts. Some are called *briefs*; because comprised in a compendious way of writing, and are sealed on wax only, cum annullo piscatoris, that is, with the impression of a fisher ring, which the Romanists are so weak as to believe to be the seal of St. Peter the fisherman. The other sort are called *bulls*, from the leaden bulla hanging thereon. Bulla is thought among the ancients, to be a golden badge, which persons that triumphed over their enemies, wore on their breasts like a medal, and it came afterwards to signify a deed, instrument, or writing, described on parchment or vellum, with a piece of lead hanging thereto by a string, and such writing is called a bull, from the lead annexed to it. On this piece of lead, the heads of the two apostles St. Peter and St. Paul are impressed from the papal seal, which being affixed to the pope's letters, they are said to be completely finished. And because they carried the papal thunder of

excommunication along with them for nonpayment of the pope's dues, they became a terror to weak people for some ages, till, at length, from their frequent demands, these fulminations were turned into ridicule. And as they were called bull beggars, they were used as words of scorn and contempt, to frighten children with. Eubinius Cherubinus has made a collection (1638) of these bulls in six folios, which gives a full view of the wonderful craft of the hierarchy, in raising such a structure of power and iniquity to itself, which none can pull down but the almighty hand of God alone. For therein we see the church of Rome almost in its beginning, how it reared itself by degrees on papal bulls, and how the weak parts of the building have been since strengthened by the cunning of the several undertakers, the pope and his cardinals. Puffendorf made a good use of this collection in his introduction to the history of Europe. Parergon, jur. can. p. 132.

1207.

The king drives the monks of St. Augustine out of their monastery. M. Paris, Knighton,

He writes a sharp letter to the pope. M. Paris, p. 224.

The pope's answer. Aët. Pub. t. I. p. 143. M. Paris, p. 224.

As soon as John was informed of the transactions at Rome, he fell into an inconceivable fury. He accused the monks of St. Augustine's of deceiving him, as well in the third, as in the first election, and resolved to be revenged of them. To that end he sent two knights, who, entering the monastery with drawn swords, commanded the monks, in the king's name, to avoid the place forthwith, unless they would have their monastery burnt about their ears, and likewise to depart the kingdom within three days. So terrible a threat frightened the monks in such a manner, that, without the least reply, they withdrew into Flanders, to the abbey of St. Bertin, and other neighbouring monasteries. But this revenge not procuring him all the satisfaction he required, he thought by vigorously exerting himself, he should bring the pope to revoke what was done. In this belief, he wrote Innocent a very sharp letter, "upbraiding him with his injurious annulling the canonical election of the bishop of Norwich, without having the least pretence for it. Moreover, he complained of his causing to be elected by violence, and contrary to all manner of right, a person educated in France, an entire stranger to him, and who had always held a strict correspondence with his enemies." He added, "this encroachment was directly contrary to the prerogatives of his crown, from which he was resolved never to depart, nor from the election of the bishop of Norwich. Then he plainly told him, if the satisfaction he demanded was denied, he would break off all intercourse with Rome, which was of no small consequence, since it was certain, the holy see received more money from England than from any other christian state, and for that reason, greater regard ought to be paid the king of England than any prince whatsoever. He concluded with saying, there were prelates enough in the kingdom qualified to govern the church, and therefore it was not necessary to have recourse to the popes, if they so manifestly abused their authority."

Innocent had not undertaken this affair, to desist from it on the king's bare expostulation. He returned a very mild answer in appearance, though, in the main, it was more proper to irritate than appease him. "He begins with blaming John for answering his humble and kind letter in so rough a manner, that he seemed rather to design to affront him than require the reasons of his conduct. Then he proceeds, to extoll the merits of cardinal Langton, assuring he was a prelate of a great understanding, and profound learning,



“ learning, and one that had long studied at the university  
 “ of Paris, where he had taken his degree of doctor of di-  
 “ vinity. He adds, that John was in the wrong to complain,  
 “ since the consent of princes was not requisite at elections  
 “ made in the presence of the pope : that however, out of pure  
 “ condescension, he had sent two monks to inform him of it,  
 “ who by contrary winds were detained at Boulogne. In  
 “ fine, after trying to prove Langton’s election agreeable to  
 “ the canons, he represents to him, that Henry II. his fa-  
 “ ther, and Richard his brother, had renounced the right of  
 “ nominating bishops and abbots ; and therefore without  
 “ meddling with elections, he ought to receive, without ex-  
 “ amination, the prelates judged by the church capable of  
 “ directing the spiritual affairs of his kingdom. He concludes  
 “ with this notable threat, that submission to him would be  
 “ more for his advantage than an obstinate resistance against  
 “ God and his church, in a cause for which the blessed Tho-  
 “ mas Becket shed his blood.” These last words were ter-  
 rible to a prince, whose father had suffered so much on the  
 like occasion. But John, far from being frightened, resolved,  
 on the contrary, to use his utmost endeavours, and run all  
 hazards, to free himself from the galling yoke of Rome.

1207.

The pope’s letter was quickly followed by an order to the  
 bishops of London, Ely, and Worcester, to persuade the  
 king to submit to the orders of the church; and, if they found  
 him contumacious, to put the kingdom under an interdict.  
 The bishops thus commissioned by the pope, being obliged  
 to obey him, acquainted the king with his holiness’s orders,  
 and entreated him to avoid by submission a scandal which  
 would fall no less on his subjects than on himself. But the  
 king remained inflexible. He swore, that if the kingdom  
 was interdicted, he would forthwith send all the ecclesiasticks  
 to seek their subsistence at Rome, and put out the eyes, and  
 cut off the ears and noses of all the Roman priests, that should  
 be found in his dominions. Then he commanded the three  
 prelates to depart his presence. His passion, which was al-  
 ready very violent, was still increased by the insolence of  
 Simon Langton, brother of the cardinal, who insultingly  
 pressed him to own his brother for archbishop. The king,  
 tired with his importunities, told him it was very strange an  
 Englishman should press him to renounce the prerogatives of  
 the crown. To which Langton insolently replied nothing  
 could be done in his behalf, unless he would wholly throw  
 himself upon his brother’s mercy.

1208.

The pope  
 orders three  
 bishops to  
 interdict the  
 kingdom.  
 Act. Pub.  
 t. I. p. 447.  
 M. Paris.  
 Matt. West.  
 The king  
 threatens the  
 clergy.  
 M. Paris.

Insolence of  
 Langton’s  
 brother.  
 Brady.

7 By God’s teeth, (his usual oath.) M. Paris.

The

1208.

Henry and  
Richard  
born.

M. Paris.  
The inter-  
dict pub-  
lished.

M. Paris.

M. West.

An. Waverl.  
Hemingsf.

The last year, John had a son by Isabella of Angouleme, to whom he gave the name of Henry \*. And this year the queen brought into the world another called Richard.

Mean time, the three prelates, who had already addressed the king, finding they could not prevail, pronounced at length the sentence of interdict upon the whole kingdom, and retired beyond sea. Immediately divine service ceased in all the churches, and the sacraments were no longer administered, except to infants and dying persons. Publick prayers, and all ecclesiastical functions were laid aside. The church-yards were shut up, and the bodies of the dead thrown into ditches like dogs, without any priest daring or being willing to assist at the funerals. It might justly be demanded, why the people should suffer for the fault of their sovereign, and certainly it would be difficult to alledge a reason founded on justice or equity. But the policy of Rome required, that the subjects should be liable to punishment, to the end that considering their king as the sole cause of their evils, they might be the sooner inclined to force him to submit to the pope's yoke. It was requisite therefore to sow dissension between the king and the people, in order to tie up his hands from resisting. And indeed, it is evident, kings have no more power than private persons, when deserted by their subjects. Accordingly the popes, who intended to stretch their authority, have generally taken a time of discord between the people and their sovereigns. If sometimes they have launched out at unseasonable junctures, they have, for the most part, found their pretended authority to be little regarded. Of this we shall see a remarkable instance in the sequel of this very reign.

The king's  
severity  
upon the  
clergy.

M. Paris.

An. Waverl.

The pope's rigour was insufficient to bring the king to a compliance. On the contrary, John, finding the court of Rome had thrown off all regard for him, resolved to act with the same haughtiness, and make the pope know he was able to withstand him. Pursuant to this resolution, he confiscated the estates of all the ecclesiasticks who obeyed the interdict, and sent orders to the sheriffs to make enquiry after them, and expel them the kingdom. But the sheriffs perceiving they could not execute the king's orders, without using great violence, durst not push matters so far. So that, notwithstanding the king's intention, none went out of the kingdom, but such as having too zealously espoused the pope's quarrel, chose rather to go into volun-

\* He was born at Winchester, October 1, 1207.

tary banishment, than remain exposed to the king's indignation. However, they who staid were in no better circumstances: outrages were daily committed upon them, for which they could find no redress from the magistrates, who always sent them to the pope for justice.

As in those days there was scarce a priest but what kept a concubine, the king, under pretence of causing the canons of the council to be observed, ordered all their concubines to be imprisoned, who were forced to pay great fines for their liberty. Among the great number of ecclesiastics in the kingdom, there were some, who, notwithstanding the interdict, administered the sacraments. But as they were incessantly exposed to the insults of the zealots, the king took them under his protection, and ordered such as should do them any outrage, to be hanged upon the next tree. The pope was no sooner informed of this, but he excommunicated all who disobeyed the interdict, or executed the king's orders. Such was the wretched state of the people of England. Those that were faithful to their sovereign, fell under the pope's censures, and the king took care to persecute those who submitted to the orders of Rome.

Whilst the kingdom was in this sad situation, Henry, brother of Otho the emperor, came to king John, in the beginning of the year 1209. The design of his journey was to demand for the emperor his brother an aid of money, which the king liberally granted him, though he was himself in extreme want.

The calamities of the English moved neither the king nor the pope. They both continued inflexible, each resolving to run all hazards rather than yield to his adversary. However, John was not without his uneasiness. Indeed, he did not fear the pope's thunders with respects to spirituals. But he could not see without great concern, the generality of the people inclined to the court of Rome. This observation inspiring him with a dread that, sooner or later, some plot would be formed against him, he thought proper to prevent the designs of his enemies by raising an army. For a pretence, he complained that the king of Scotland, contrary to the treaty of Lincoln, had married one of his daughters to the earl of Boulogne, without his consent. It was easy to foresee that a prince, who had suffered so many provinces in France to be taken without any resistance, did not intend vigorously to prosecute a war upon so slight an occasion. Accordingly he contented himself with the king

M. Paris,  
P. 227.  
An. Waverl.

1209.  
John sends  
money to the  
emperor.  
Act. Publ.  
c. l. p. 154.

John levies  
a great army on  
pretence to war  
against  
Scotland.  
Knighton.  
M. Paris.  
M. West.

1209. of Scotland's offer to give him fifteen thousand marks and his two daughters in hostage. In his return from the northern frontiers, where he had led his army, he ordered all the hedges to be cut down, and the ditches to be filled throughout his forests, that the deer might have liberty to feed every where. In all likelihood, the people of those parts having too openly declared for the pope, he had a mind to punish them for it <sup>b</sup>. Perhaps too, he designed to shew the rest of his subjects, that in like case he would not want means to chastise them. When he came to Northampton <sup>c</sup>, he was met by the prince of Wales, who, fearing he intended to carry the war into his country, made haste to prevent him by his submission. The prince accompanied the king as far as Woodstock, where he did him homage <sup>d</sup>.

He grants a peace to the king of Scotland.  
Aet. Pub. t. i. p. 155.  
He chastises the northern counties.  
M. Paris.  
The prince of Wales does him homage.  
Ibid.

John causes all his vassals to renew their homage.  
Ibid.

The king excommunicated.  
M. Paris.  
p. 228.

The continuation of the interdict was a clear evidence to the king, that the pope had no design to desist from his pretensions, but would use still more violent methods. Wherefore, he judged it requisite to take care before-hand, to screen himself from his thunders. Nothing seemed to him more proper to frustrate the designs of the court of Rome than to cause his vassals to renew their homage <sup>e</sup>. He hoped to secure them by that bond, and restrain them from too readily joining with the court of Rome.

Mean while, the pope perceiving, the interdict, which had now continued above a year, did not answer his expectations, resolved at length to pronounce upon John the sentence of excommunication, and committed the publication thereof to certain bishops <sup>f</sup>. But as these prelates had

<sup>b</sup> This year also the king issued a proclamation at Bristol, forbidding the taking of all sorts of feathered game throughout England. M. West. M. Paris. Which was the first edict of the kind made by any king before, as Tyrrel observes, b. vii. p. 739.

<sup>c</sup> Where he removed his exchequer, after Michaelmas, because the Londoners had disoblged him. M. Paris.

<sup>d</sup> An unlucky accident happened at this time, which was a great prejudice to Oxford, and serves to shew the flourishing condition of the university in those days. A certain clerk, having by chance killed a woman, made his escape. The mayor coming to his lodging, found three other clerks that lived in the same house which they

had hired together. These being seized, were a few days after, by the king's order, hanged up in contempt of the ecclesiastical liberty; upon which near three thousand scholars left that university, some going to Cambridge, others to Reading. M. Paris. M. West.

<sup>e</sup> He made all the freeholders in England, from twelve years old and upwards, renew their homage. The reason of his doing it, was, that he daily feared the pope should excommunicate him, and absolve his subjects from their oath of allegiance. M. Paris.

<sup>f</sup> London, Ely, and Worcester, who were to have it published every Sunday and holiday in all the churches throughout England. M. Paris.

still

Still a great regard for the king, they did not think fit to execute their orders with that readiness the pope desired. However, the news of the king's excommunication was so spread over the kingdom, that not a man was ignorant of it, though the sentence was not yet published. The archdeacon of Norwich, one of the officers of the exchequer, having notice of it, quitted his office without leave, alledging, his conscience would not suffer him to serve an excommunicated prince. This proceeding cost him dear. The king, provoked at his disrespect, ordered him to be confined in a close prison, where it is affirmed, his death was hastened by violent means <sup>z</sup>.

This instance of the king's severity was not capable of preventing Hugh de Wells, lately elected bishop of Lincoln, from wounding the king in a more sensible part. This prelate having obtained leave to be consecrated by the archbishop of Roan, instead of going to Normandy, went directly to Rome <sup>b</sup>, where he received consecration at the hands of cardinal Langton. Had he been in the king's power, he would, doubtless, have been no more spared than the archdeacon of Norwich. But the king, as he could do nothing else, was content with seizing his revenues <sup>1</sup>. The prelate was unconcerned, plainly foreseeing that the king would be obliged in the end to submit to the pope, whereas by disobeying his holiness, he was in danger of losing his bishoprick <sup>2</sup>.

The excommunication made no impression on the king, who still remained unmoved. Besides, as the sentence was not yet published, and ignorance might be pleaded, the greatest part of the nobility still adhered to their prince <sup>1</sup>, notwithstanding his excommunication. Nay, he was not without hopes, that the sentence was only a penal threatening which might be revoked, upon his shewing some steadiness. However, as it would have been imprudent to depend upon

<sup>z</sup> A leaden cope was put upon him, with the pressure of which, and for want of victuals, he died in a few days. M. Paris.

<sup>b</sup> He went only as far as the abbey of Pontigny, where Langton then resided. See Tyrrel, vol. III.

<sup>1</sup> Hugh was also chancellor, but the king delivered the seal to Walter de Gray, and made him chancellor. M. Paris.

<sup>2</sup> This year the king sent commis-

sioners to Canterbury, to meet the bishops of London, Ely, and Worcester, who came to treat of a reconciliation between him and Langton; but when matters were nearly adjusted, the treaty broke off, and so nothing was brought to a conclusion. See Ann. Waverl.

<sup>1</sup> All the great men of the kingdom attended him at Windsor this year, notwithstanding he was excommunicated. M. Paris.

1210.

and esta-  
blishes there  
the laws of  
England.  
M. Paris.He taxes  
the clergy.

that, he levied a great army, well-knowing, nothing was more capable of breaking the pope's measures, than to be always well-armed. Some commotions in Ireland were made the occasion and pretence for this armament; the charges whereof were paid by the Jews, not voluntarily, but by a seizure of their effects <sup>m</sup>. John himself embarking with his army, safely arrived at Dublin, where he was met by above thirty petty princes, who came to swear fealty to him <sup>n</sup>. After receiving their homage, he marched against the king of Connaught, author of the disturbances that had brought him into Ireland. This prince being taken prisoner in a battle, the war was happily ended, and the whole island reduced to the king's obedience as formerly. Before he returned, John caused the laws and customs of England to be established for the future in Ireland, and made the bishop of Norwich his justiciary <sup>o</sup>. It was expected in England, that at his return the army would be disbanded. But, to have a pretence to keep it still on foot, he quarrelled with the prince of Wales. In the mean time, as money was wanted for the maintenance of the troops, he imposed, by his own authority, a tax of a hundred thousand marks upon the estates of the ecclesiasticks <sup>p</sup>. After which, he marched against the Welsh, and compelled them to deliver twenty eight hostages.

1211.

The pope  
sends two  
nuncios  
into England.  
M. Paris.

The measures taken by John to render himself formidable, created no small uneasiness in the pope, who could not bear to see the king's inflexibility. He perceived, it was equally dangerous to the holy see to give over the contest or to prosecute it any farther, uncertain of the issue. And indeed, it might be of great consequence, even with respect to other states. Before he came to any resolution in this matter, Innocent sent two nuncios into England,

<sup>m</sup> M. Paris says, the Jews of both sexes were seized all over England, and cruelly treated, till they would ransom themselves according to the king's pleasure. Among the rest, a Jew at Bristol, though cruelly tormented, refusing to ransom himself, the king ordered, that his tormenters should every day pull out one of his cheek teeth, till he would pay down ten thousand marks. Accordingly they pulled out seven in as many days, but on the eighth day he relented, and so with the loss of seven teeth, parted with the ten thousand marks to save the rest. King John got from the Jews about

sixty thousand marks. Ann. Waverl.

<sup>n</sup> Above twenty, says M. Paris, *ibid*. He drove out of the kingdom Hugh de Lacy earl of Ulster, and took Carrickfergus castle. Ann. Margan, T. Wikes.

<sup>o</sup> John de Grey, who caused the money to be coined of the same weight and fineness as in England; that the like money might be common in both kingdoms. M. Paris. He left there William Marefcall, as lieutenant. Ann. Waverl.

<sup>p</sup> A hundred thousand pounds, says M. Paris.

under

under colour of procuring peace between the king and his clergy. However, nothing was farther from his intention, than to endeavour a reconciliation which could not but be very prejudicial to him. His sole aim was to discover John's designs, that he might take his measures accordingly. The two nuncios being arrived, so wrought on the king, that at length he yielded so far, as to promise the ecclesiastics leave to return to their churches. He farther agreed, that cardinal Langton should take possession of the see of Canterbury, and promised that the church of England should have all the liberties, privileges, and immunities, enjoyed in the time of Edward the confessor. One would think so considerable advances should have satisfied the nuncios. And indeed, the king gave up the main point, in offering to receive cardinal Langton as archbishop. Besides, they should have previously supposed, that in an accommodation, it was reasonable, the pope and clergy should likewise make some concessions on their part. But this rule takes not place in affairs where the church is concerned. What she calls an accommodation, is an entire submission to her orders, and a perfect compliance with all her demands. We have seen a remarkable instance of this in the affair of Thomas Becket: and here is another which confirms the same truth, besides those that will appear in the course of this history. Had John shewn more resolution, or at least staid till the nuncios had of themselves, made these proposals, and then seemed to accept them with reluctance, perhaps there might possibly have been a reconciliation upon these terms. But he had to deal with persons more subtle than himself, and whose sole aim was to discover his sentiments, in order to take advantage of it against himself. When they saw he complied so far, they demanded the restitution of all that was taken from the ecclesiastics, and full reparation for the damages sustained by them on occasion of this controversy. And because he would not agree to this, which in effect was impossible, the negotiation broke off, and the nuncios returned, after publishing the king's excommunication, which the bishops till then declined.

The pope saw, by John's advances, that he wanted to be clear of this affair at any rate. He manifestly knew, it was only through inability that he had rejected the last article proposed him. As this pope was very politick and had great views, he formed the project of reaping advantages, before

John makes advances towards an accommodation.  
M. Paris.  
An. Burton, p. 263.

They are rejected by the nuncios,

who excommunicate the king.  
M. Paris.  
An. Burton, p. 266.

Fresh projects of the pope.

\* They went into Wales.

unthought

1211.

unthought of, from this same inability. But as the discovery of his intentions might greatly obstruct their execution, he carefully concealed them; till he had forced the disobedient king to cast himself upon his mercy. Though he had nothing less in view than the clergy of England's reparation, he continued always to insist on that article, in order to have occasion to carry things to the point he desired. He knew John was not beloved by the people, and still less by the nobility, who had great cause to complain of him, and were kept in obedience, only by their oath of fealty. He believed therefore, that to alienate entirely the hearts of the English, it was necessary to break that bond by which they still were attached to their sovereign. For that purpose, taking occasion from the king's inability, which he was pleased to style rebellion and obstinacy, he published a bull, absolving John's subjects from their oath of allegiance, and enjoining them upon pain of excommunication to refuse him all obedience. This terrible blow had so great an effect, that most of the barons, overjoyed at having an opportunity to be revenged of the king, began to form schemes to place another on the throne. Some historians even assure us, the majority signed an address to the king of France, inviting him to England, and promising to own him for their sovereign.

He absolves  
the English  
from their  
oath of  
allegiance.  
M. Paris.  
As. Burt.  
M. West.

M. Paris,  
P. 232.

1212.

Mean time, John, who had no intelligence of their designs, lived in a security that astonished all the world. Far from foreseeing the impending danger, he spent his time in entertainments and diversions, as if he had no affairs upon his hands, and the pope's bull was of no consequence. At the same time the Welsh, who could never long remain quiet, making incursions into the English territories, John fell into so great a rage, that he commanded the twenty-eight hostages, he had in his power, to be hanged. After which, as if he had nothing else to do, he resolved to carry war into their country and utterly root them out.

John designs  
to invade  
Wales.  
M. Paris.  
Knighton.

He receives  
intelligence  
of a plot  
against him.  
M. Paris.

Whilst he was preparing for this expedition, the king of Scotland sent him notice of a dangerous conspiracy forming against him in England. But John imagined none would dare stir whilst he was at the head of an army. So without giving the least heed to this information, he continued his march to Chester, with design to begin the war with the Welsh. Upon his arrival at that city he received fresh intelligence about the conspiracy, which was confirmed from so many different places that he could no longer doubt. Then it was that his security giving place to his fears, he began to consider the  
officers



officers of his army as so many secret enemies whom he could not trust. Possessed with this notion, he dismissed his troops, and retired to London, where he thought himself more safe \*. Some time after, his fears being abated by certain advice that the barons were in no readiness to execute their designs, he demanded hostages of them as pledges of their obedience. There were but few that ventured to deny him †, for fear of being sacrificed to his suspicions before they were in a state of defence. Indeed their measures were yet very uncertain. If it be true, that they had applied to the king of France, that monarch had not yet given them any positive promise. In all appearance he had a mind to stay till matters were more embroiled, before he openly declared his intention.

1212.

He mistrusts  
and disbands  
his army.  
M. Paris.

In this place it is, that Matthew Paris, the historian, takes occasion to display the tyrannical conduct of John in very black colours. He says, he had no manner of regard for the English, debauched the wives and daughters of the prime nobility: banished some the realm upon bare suspicions, and reduced others who were the most favourably treated, to extreme poverty by the confiscation of their estates and other illegal practices. But the same remark is to be made here that was made elsewhere: namely, we must read with great caution the monkish historians when they relate any thing in which the court of Rome was concerned. It is true, this historian inveighs sometimes very sharply against the person of Innocent III. But however, it is visible, his aim was to vindicate the pope's extreme rigour to king John. This he could not do more artfully than by blackening the reputation of that prince, in order to divert the reader's compassion.

Remark on  
the histori-  
ans of king  
John's  
reign.  
M. Paris.

Whilst John was anxiously waiting the issue of his enemies plots, he met with a mortification which troubled him very much, though he pretended to slight it. Peter de Pontfract, a hermit, famous in the kingdom for foretelling things to come, prophesied publicly that by Ascension-day following, John should be deposed, and the crown transferred to another. The king being informed of it, sent for the hermit, who, in his presence, stood to what he had said, whereupon he was ordered to prison †.

The re-  
markable  
prediction of  
a hermit.  
M. Paris.  
ibid.

Mean

\* He shut himself in Nottingham castle, and hired foreign archers for his defence. Ann. Waverl.

† Eustace de Vesci, and Robert Fitzwalter, who were concerned in the

conspiracy against him, retired; the first into Scotland, and the latter into France. M. Paris.

‡ Matthew Paris says, John was very inquisitive to know of the hermit, F f whether

1212.

The pope  
deposes  
John.  
Ibid.

and em-  
ploys the  
king of  
France to  
execute the  
sentence.  
M. Paris.

Geoffrey  
archbishop  
of York dies.  
Ibid.

Mean time the pope, who had no mind to halt in so fair a way, took at Rome all necessary measures to accomplish his project. As he was desirous that it should appear to the world, that zeal for justice and religion was the sole motive of his actions, he took particular care to shew he had no personal interest in his quarrel with the king of England. The better to hide his design, he caused a petition to be presented him by cardinal Langton and the rest of the proscribed bishops, humbly entreating him to apply a remedy to the evils the church of England had so long endured. This petition furnishing him with a pretence to call a consistory, he made a speech to the cardinals, aggravating to the utmost of his power the injuries king John had done, and daily did do to the church. He concluded with saying, the obstinacy of that prince not being to be conquered by the church's censures, he had called them together to consider of means to make this stiff-necked son return to his duty. The result of the council was, that John being convicted of rebellion against the holy see, deserved to be deposed, and his holiness should place another king over England. Pursuant to this advice, Innocent thundered out the sentence of deposition against king John. After that, he commissioned Philip king of France to execute the sentence, promising for reward the remission of all his sins, together with the crown of England to him and his heirs for ever, when he should have dethroned the present tyrant. A few days after, he published a bull, exhorting all christian princes to promote, as far as in them lay, this expedition, which was solely intended to revenge the injuries done to the catholick church. In this bull he took into his protection whoever should contribute either money or other assistance to subdue the enemy of the church, granting them the same privileges with those who visited the holy sepulchre.

Towards the end of this year, Geoffrey archbishop of York, natural son of Henry II. departed this life. He was a prelate of a narrow genius, but proud, pragmatical, and

whether it was by death or otherwise that he was to lose his crown; but all that he could get from him was, that he might be assured he would not on that day be king; and said, if he were convicted of a lie, he might then deal with him as he pleased. Upon which the king had him confined till he

should see the issue of his prediction.  
M. Paris.

<sup>u</sup> The pope wrote also to the great men, knights, and warriors of divers nations, to undertake this war, signing themselves with the cross, as if it were for that of the Holy Land. M. Paris.

very

very passionate, one that would have done a great deal of mischief, had he been as able as willing <sup>v</sup>. 1212.

The pope's commission set Philip at the height of his wishes. Not content with depriving king John of great part of his dominions, he devoured already in his imagination the kingdom of England. By his preparations it was evident, how extremely desirous he was to succeed in this undertaking. The ships, of which his fleet was to consist, came from all parts to the mouth of the Seine, whilst the princes his vassals, and the great men of his realm led their troops to Roan, where he had appointed the rendezvous of his army. Such vast preparations could not be long concealed from king John, who for his part used his utmost endeavours to oppose the threatened invasion. He summoned all the tenants in chief to meet him at Dover with their troops, under pain of forfeiting their fiefs, and of being exemplarily punished in their persons. At the same time, he issued orders that all the ships belonging to his subjects should be ready at the same place, threatening to banish the masters that should fail to be there on any pretence whatever. His orders were so urgent, and his threats had so sudden an effect, that in a little time he assembled more ships and forces than he could maintain. Upon which account, he was forced to send away part of his fleet, and to keep but sixty thousand of the most warlike men, a sufficient number to defend him from all insults, had they heartily served him. But this prince knew better how to make himself feared than beloved <sup>x</sup>. 1213.

Philip accepts the pope's commission, Mezerai. and makes great preparations.

M. Paris, p. 233, 234.

<sup>v</sup> This year also great part of London was burnt down; the fire began in Southwark, and having consumed the church of St. Mary Overy, went on to the bridge; and whilst great numbers of people ran, some to behold, others to quench the flames, the houses on the other end of the bridge took fire; so that the multitudes being thus inclosed, many were forced to leap into the Thames, whilst others crowding into the boats that came to their relief, were the cause of their own destruction, the boats and people sinking together; so that what with the fire and what with the water, near three thousand persons perished by this unfortunate accident, which happened on the tenth of July. M. Paris.

<sup>x</sup> The writs which were issued out upon this occasion, (and which you may see at large in M. Paris,) plainly make appear, that there was no such thing in those days as standing armies either in England or France; but that the only forces for the defence of the kingdom were the militia of England, consisting of the earls and barons, with their tenants and vassals under them, who were obliged by their tenures to come into the field in case of an invasion from abroad, or a rebellion at home. The writs are directed to all the sheriffs of the kingdom, commanding them to summon all the earls, barons, knights, freemen, and esquires. The writs for the ships were directed to all the bailiffs of sea-ports, &c.

1213.

Pandulph  
the pope's  
legate comes  
to John.  
M. Paris.

M. Paris,  
p. 234.  
M. West.

He offers  
him the  
pope's pro-  
tection.  
Act. Pub.  
c. I. p. 166.

The king's  
resolution.

Whilst the two monarchs were with equal ardour preparing, the one to attack and the other to defend, whilst the sea was covered with ships, and both shores overspread with troops, expecting every moment to enter upon action, the pope gave his last instructions to Pandulph. He was one of the two forementioned nuncios, who, upon this occasion, was made legate for England. His publick instructions were to use his utmost endeavours to prevail with king John to submit to the church, but his private ones were to accomplish the project framed by the pope. He passed through France, where he beheld Philip's great armament, and commended his zeal and diligence, after which he went to meet the king of England at Dover. When he came into his presence, he represented to him, that his enemies forces were so numerous, that they were sufficient to conquer England, though the whole nation were united for their common defence, but that John was very far from being able to rely on the people's affections. To convince him of this beyond all doubt, he discovered to him, that Philip had received private assurances from most of the great men of England, that instead of opposing his arms, they would assist him to the utmost of their power. This intelligence corresponding with what John had already received, he was visibly shaken, neither could he hide from the legate the fears that had seized his soul. This was precisely the situation wherein Pandulph intended to put him. As soon as he saw him thus disposed, he took occasion to intimate to him, that there was but one way to secure himself from the impending danger, and that was to put himself under the pope's protection, who, as a kind and merciful father, was still willing to receive him with open arms. But added he, to deserve this favour, you must become a dutiful son to the church, and to that end must promise to perform faithfully whatever the pope shall enjoin you, who, in imitation of him who is his representative on earth, desires not the death of a sinner, but rather that he turn from his evil ways.

Never was prince in such circumstances as John. Standing between two precipices equally dangerous, he was under a necessity of casting himself down the one or the other, without having time to consider which was most eligible. Pandulph pressed him incessantly to embrace the pope's gracious offer. On the other hand, Philip, ready to embark, afforded him no time to consult what course he should take. But what perplexed him most, was his distrust of his army, and his dread of a treachery, the consequences whereof stared

stared him in the face. On which side soever he turned, he saw himself on the point, either of falling into the hands of his most inveterate enemy, or of lying at the mercy of a pope, whom he had for so long braved, and who was the sole author of his misfortunes. Of these two extremities, the last seemed the least insupportable, because he saw not the pope's whole design. The legate took care not to impart to him at once all the conditions required by the pope for his favour and protection. He was satisfied for the present with obliging him by a solemn oath to obey the pope in all things relating to the affair for which he was excommunicated, to make a full satisfaction to the clergy and laicks for what damages they had suffered on account of the interdict, to pay down, in part of restitution, the sum of eight thousand pounds sterling, to receive into favour the proscribed bishops and others, particularly cardinal Langton, and the prior and monks of St. Augustine's, to confirm all these things by his letters patents, and cause such bishops and barons as the pope or his legate should appoint to stand sureties for him, to declare solemnly, if he, or any other by his order, should violate this agreement, he would for ever lose the custody of vacant churches, and the bishops and barons his sureties should be authorised to serve the pope against him. Moreover, he promised to send letters of safe-conduct to the archbishop of Canterbury and the other exiled bishops, that they might return to their respective churches. Lastly, he swore not to prosecute any person, whether layman or ecclesiastick, for any matter relating to the affair in hand.<sup>2</sup>

In the state John was reduced to, he would have thought these conditions tolerable had there been nothing added. But the oath exacted from him to obey the pope in all things, included a tacit condition, the extent whereof Pandulph did not think proper to tell him, before he was entirely engaged. When this article came to be explained, the legate plainly told him, his offences against God and the church were of such a nature, that there could be no atonement without a resignation of his crown to the pope: add-

He yields to the terms proposed by the legate. Aft. Pub. t. I. p. 170. Forma Pacis, &c. The conditions. M. Paris, p. 235. An. Burton.

Another condition that the king should resign his crown to the pope. Knighton. M. Paris.

<sup>1</sup> The bishops of Ely, London, Hereford, Bath, and Lincoln, are mentioned by name, as are Robert Fitzwalter and Eustace de Vesli, who had withdrawn from the king into France. Itid.

<sup>2</sup> You have these articles at large in M. Paris, drawn up in the form of a

charter, dated the 13th of May, being the Monday before Ascension day, in which are recited the names of four great barons, viz. William earl of Salisbury, Reginald earl of Bouloigne, William earl of Warren, and William earl of Ferrars, who all swore on the king's behalf, p. 235.

1213.

He resigns  
his crown,  
and does  
homage to  
the pope.  
Aet. Pub.  
t. 1. p. 176.  
M. Paris.  
Knighton.

M. Paris,  
p. 237.

ing, upon that condition only he could give him absolution. Such a proposal could not but extremely surprise the unfortunate king, but he was too far engaged to recede. His late proceeding had entirely alienated the hearts of those who still preserved some remains of affection. On the other hand, he perceived, as he could not confide in his troops, he had no other means to resist Philip's powerful attacks. He lay therefore under an indispensable necessity to submit to this hard condition, which he would have infallibly rejected, could he have known the full extent of his oath. Wherefore, on the morrow he repaired to Dover church, attended by the legate and a numerous train of lords and officers of the army, to perform his engagements. There, in the presence of all the people, taking off his crown, he laid it, with the other ensigns of royalty, at the legate's feet, as the pope's representative. After which, he signed a charter, whereby he resigned to the pope the kingdom of England, and the lordship of Ireland. He declared in this charter, that neither out of fear or constraint, but of his own free will, and with the advice and consent of all the barons of the realm, he made this resignation, as having no other way to atone for his offences against God and his church. From that moment he acknowledged himself a vassal of the holy see, and, as such, bound himself to pay the yearly rent of a thousand marks, seven hundred for England and three hundred for Ireland. In fine, he agreed, that if himself or any of his successors denied the submission due to the holy see, he should forfeit his right to the crown<sup>a</sup>. After this, he did homage to the pope in the person of the legate, who, to shew the grandeur of his master, spurned with his foot the money offered him by the king as an earnest of his subjection. They that were present at this shameful ceremony, could not behold such abject submissions without indignation, but no one dared to open his mouth. The archbishop of Dublin alone protested against them, but to no purpose<sup>b</sup>. The legate having obtained all he desired, kept the crown and sceptre five days, and then restored them to John, with an intimation that he was to consider it as a singular favour from the holy see. So extraordinary a transaction had its natural effect on the people. If hitherto the

<sup>a</sup> Cadet a jure regni, M. Paris, where the charter is at large, and witnessed by the king himself, in the presence of Henry archbishop of Dublin, John bishop of Norwich, and divers

earls and noblemen of the kingdom.

<sup>b</sup> M. Paris says only, that he was offended at the haughty carriage of the legate in spurning the money.

king

king had been little regarded, this base submission rendered him entirely contemptible. From that time he was deemed unworthy to wear a crown, which he had so shamefully resigned to another. On the other side, Innocent's extreme pride gave occasion for reflections to his disadvantage. Though John, one would think, should have been the most sensibly touched with what had happened, he appeared to be the first that forgot it. He even seemed to triumph in preserving his crown in spite of the hermit's prediction. Though his prophecy was but too fully accomplished, John was so cruel as to order him to be hanged for a false prophet.

The hermit hanged for a false prophet.

M. Paris.

Knighton.

Pandulph

orders Philip

to disband

his army.

M. Paris.

Mean time, Pandulph, who had no farther business in England, was departed from Dover, without taking off the interdiction or giving the king absolution. He was gone to Philip, who considered the conquest of England as a thing certain. When he came to that monarch, he enjoined him, in the pope's name, to desist from the intended expedition. He told him, the king of England being now a dutiful son of the church, and the occasion of the armament ceasing, it was no longer necessary to execute the pope's sentence. Philip was extremely surprised at this discourse. But as he had not acted in this affair from a religious motive, he refused to obey the legate's orders. He told him, he had made these preparations against England, at the pope's pressing instances, for the remission of his sins, and therefore no contrary orders, nor all the threats in the world should deter him from prosecuting his design. Thus resolved, he called a council of the chief lords of the kingdom, and of the princes his vassals who were then about him. As he was extremely provoked with Innocent, the terms he used in speaking of him to the assembly were not very respectful, and especially, as it was greatly for his purpose, to paint the pope's proceedings in the strongest and most lively colours. His aim was to persuade all the lords to swear, they would not forsake him, though the pope should thunder his censures against him. Accordingly this was the drift of his speech.

Philip refuses to obey him,

and tries to bring his peers to stand by him.

The princes and lords who were present at the council seemed inclined to comply. The earl of Flanders alone opposed it, and in a manner very reproachful to Philip. He represented, that the intended expedition against the king of

The earl of Flanders opposes it. M. Paris.

<sup>c</sup> He caused him to be dragged about the streets of Warham, and then hanged with his son. M. Paris.

<sup>d</sup> Especially as he had spent above sixty thousand pounds in his preparations.

1231.

England was in itself neither just nor honourable, and besides was become impracticable, since the pope refused his approbation. He added, it would be much more agreeable to the rules of honour and equity, to restore to that prince what had been taken from him in France than to frame new projects to make an advantage of his misfortunes. Philip, offended at these bold words, mixed with reproaches upon his conduct, thought it necessary before all things to humble the earl of Flanders. His view was to terrify the rest of his vassals by this example, and deprive the king of England of the assistance he might receive from so firm a friend. It may be, he was very glad the earl furnished him with an opportunity to free himself from his present embarrassment. He could not, without dishonour, submit to the pope's orders, neither could he make war upon king John, without exposing his person to an excommunication, and his kingdom to an interdict. Be this as it will, he ordered his fleet to sail to the coast of Flanders, whilst he marched himself with his army to attack the earl by land. The progress of his arms were at first very considerable. Probably, the earl of Flanders would have been ruined, if John had not sent his naval force to his aid. The earl of Salisbury, who commanded the English fleet, surprising that of Philip, entirely destroyed it. It is said, the English took three hundred ships, and sunk one hundred, and that the French themselves set fire to the rest, to prevent their falling into the enemy's hands. This fatal loss blasted all Philip's grand projects, and obliged him to relinquish his undertaking and return to Paris extremely mortified.

Philip turns  
his arms a-  
gainst him.  
Rigord.  
Hist. of  
Phil. Aug.

M. Paris.

His fleet  
destroyed by  
the English.  
M. Paris,  
p. 238.  
M. West.

John has a  
mind to carry  
the war  
into France.  
M. Paris.

The barons  
refuse to  
follow be-  
fore he is  
absolved.  
M. Paris.  
Act. Pub.  
t. I. p. 171.

This victory raised the courage of king John. As he was assured for the future of the pope's assistance, he resolved to carry the war into France, and try to recover his lost dominions. He was the more encouraged to this enterprise, as the emperor and the earl of Flanders promised to make a powerful diversion in his favour. He marched his army to Portsmouth, where he ordered his fleet to meet him. But just as he was going to embark, the barons sent him word, they could not attend him unless he was first absolved from his excommunication \*. This declaration made him dispatch a safe-conduct to cardinal Langton, and the rest of the exiles, that they might come and absolve him. At the same time, he acquainted them, he was ready to perform

\* M. Paris says, it had hitherto been deferred, under pretence that the archbishop of Canterbury was to come

over, and perform it in person, on the pope's behalf.



all his engagements, and particularly those which related to them. Upon their arrival, the bishops went to the king at Winchester, who, throwing himself at their feet, besought them to have pity on him and the kingdom. The cardinal lifting him up, led him to the church, where, in the presence of all the people, he administered to him the following oath: "That he would protect the holy church to the utmost of his power; re-establish the good laws of his predecessors, and especially those of king Edward; cause justice to be ministered to his subjects according to the just judgment of his court; restore to corporations and private persons, their rights and liberties; and before Easter next, make full satisfaction for all the damages he had caused." This done, the king renewed his oath of fealty and obedience to the pope, according to the tenour of his late charter to the legate, after which, the cardinal gave him absolution. The king appeared so well pleased to see himself at length freed from so many troubles, that to show the cardinal, he bore him no secret grudge, he made him that very day dine at the same table with him.

Langton arrives, and gives the king an oath.  
M. Paris, P. 239.

He absolves him.

This affair being thus ended, John came to Portsmouth<sup>f</sup>, where he unexpectedly met with fresh obstacles. When he talked of embarking, the barons, who were there upon his summons, declared, they could not go with him. They told him, they had staid so long at Portsmouth, that all their money designed for the expedition was spent, and therefore they were unable to attend him. Though this disappointment heartily vexed him, he thought best to conceal it, and imagining they would follow, took shipping himself with his own family, and sailed to Jersey. But after waiting there some days, and finding himself forsaken by all, he returned to England, with a resolution to chastise the disobedience of the barons<sup>g</sup>. Upon his arrival, he raised some troops, and marched towards the center of the kingdom. His design was to have it in his power to prevent them from taking arms, or to oppress those that should first venture to appear. The cardinal archbishop perceiving his intention, came to him at Northampton, and represented to him, that

John resumes his former designs.  
The barons refuse to follow him.  
M. Paris, p. 239.

Ibid.

He resolves to chastise them.

Langton opposes it, and threatens him.

M. Paris.

<sup>f</sup> After having appointed the bishop of Winchester and Geoffrey Fitz peters regents of the kingdom.

<sup>g</sup> Ralph de Coggeshal lays the miscarriage of this voyage chiefly upon the barons of the north, who being summoned, affirmed, they were not ob-

liged to follow him, according to the tenure of their estates. This is a clear evidence, that the barons of the realm were not obliged to attend the king, when he made war of his own head, but only in case of an invasion from abroad, or a rebellion at home.

1213.

The king  
desists.

Langton  
gives the  
barons a  
sight of the  
charter of  
Henry I.  
M. Paris,  
p. 240.

none of the barons having been legally<sup>a</sup> condemned, he could not make war upon them without violating his late oath. The king, offended at this remonstrance, answered with a loud voice, he wanted not his advice, and refusing to hear him any more, continued his march to Nottingham. Langton not discouraged at this repulse, followed him next day, and declared he would excommunicate all that should take arms before the removal of the interdict. This threat making the king apprehensive his troops would desert him, he was forced to desist from his enterprise. However, he appointed a day for the barons to appear and answer for their disobedience.

Langton's proceedings were sufficient to satisfy the king, he was not really reconciled to him. But he had soon a more convincing proof.

In an assembly of the lords spiritual and temporal, held at London about the restitution promised by the king, Langton took occasion to speak very warmly against him. He said, "That before he gave the king absolution, he caused him to swear to restore the church, the nobility, and the commonalty, to their rights and privileges<sup>1</sup>: but it was visible he had not yet made the least step towards the performance of his oath: that on the contrary, he would have made war on his barons, before they were legally tried; which was a clear evidence of his ill designs. And therefore, continued he, it was absolutely necessary for the good of the publick, to press him to perform his engagements. But as difficulties might occur in the particulars to be required of the king, he said, a charter might be used of one of their former kings, of which he had fortunately found a copy, notwithstanding the pains taken to bury it in oblivion." The charter mentioned by the cardinal, was that granted by Henry I. to his subjects, in the beginning of his reign<sup>2</sup>. Authentick copies had been sent to all the principal monasteries, which were lost by the negligence of those who had the custody of them, or perhaps by the means of Henry I. himself, or his successors. This, which perhaps was the only one left, falling into the cardinal's hands, he publickly caused it to be read before the assembly. The barons, who had only a

<sup>a</sup> Absque judicio curiæ sue. M. Paris,

<sup>1</sup> His words were, that the king had sworn he would abolish unjust laws,

and restore the good ones, namely, those of Edward.

<sup>2</sup> See the charter at the end of this reign.

confused notion of this charter, were very well pleased with its being found, but more so with the contents. Therefore, without further consideration, they resolved to make it the foundation of their demands. Then they entered into a confederacy, and bound themselves by oath, to use their utmost endeavours to obtain the re-establishment of their ancient privileges, and mutually stand by one another. The cardinal promised for his part, to do all that lay in his power to promote their designs. This is the first league or confederacy made in England, in defence of the nation's interests against the king.

1213.

The barons  
league a-  
gainst the  
king.

Though the barons intended to keep their league private, till a favourable opportunity offered to discover their designs, the king was soon informed of it. He foresaw the consequences, but as it was not in his power to break it, believed the only way to be safe, was to put himself under the pope's powerful protection. Pursuant to this resolution, he sent a trusty messenger to his holiness, to inform him of what passed, and entreat him to grant him his assistance in so pressing a necessity. His request was attended with a very handsome present, in order to obtain the more readily what he desired<sup>1</sup>. Innocent was overjoyed at the news of the dissention between the king and the barons. If any thing was capable of depriving him of the sovereignty lately acquired over the kingdom of England, it was, doubtless, a strict union between the king and the nobles. The resignation extorted from John, was of itself so repugnant to all right; and so full of nullities, that it must have fallen to the ground, if the king and his subjects could have been brought to so necessary a union. And therefore nothing being more agreeable to the pope, than to see the king and the barons in no way to support one another, he resolved to make their discord a means more firmly to establish his authority in the kingdom<sup>2</sup>. To that end, without discovering his knowledge of the confederacy of the barons, he sent

John im-  
plores the  
pope's pro-  
tection.  
Id. p. 245.

<sup>1</sup> Noverat enim rex, & multiplici ditionat experientia, quod papa super omnes mortales amicus erat & superbus, pecuniarumque lititor insatiabilis, & ad omnia scelera pro præmiis datus vel promissis, ceterum & proclivum, &c. M. Paris.

<sup>2</sup> This year died Geoffrey Fitz-peter, justiciary of England. He was a generous and learned man, and the

main support of the kingdom; so that at his death, England became like a ship without a rudder. He had the chief hand in the management of all affairs, and was more feared, than loved by the king. When news was brought to king John of his death, he said, Now I shall be king and lord of England. M. Paris.

1214.

The pope  
sends a le-  
gate into  
England,  
Aft. Pub.  
t. I. p. 174.  
M. Paris,  
p. 246.  
who de-  
mands a  
second re-  
signation of  
the crown.  
M. Paris.

John con-  
sents to it.  
Ibid.

Langton  
protests a-  
gainst it.

cardinal Nicholas, bishop of Tufculum, (now Frascati,) as his legate into England, with power to relax the interdict, and reconcile the king and the clergy, concerning the promised restitution. John offering a hundred thousand marks, the legate seemed satisfied with the sum, but the bishops openly rejected the offer, choosing rather to let the kingdom groan under the intolerable burden of an interdict, than recede in the least from their pretensions. The legate was not displeased with their obstinacy, which gave him an occasion to acquaint the king with the orders he had received from the pope. He represented to him, he could never expect to live in peace, till he had put himself entirely under the protection of the apostolick see: "That therefore, it was necessary to make a second resignation of his crown, the first being liable to many exceptions: that afterwards the pope, finding himself indispensibly obliged to support him, would infallibly free him from all his troubles."

John saw himself in an ill situation, surrounded with difficulties, and having almost as many enemies as lords in the kingdom, he had no other refuge but the pope's protection. Accordingly, though this protection could not be obtained but by a second resignation of his crown, he was once more persuaded to that servile compliance. He convened a general assembly at Westminster, where, in the presence of all the lords, he solemnly resigned a second time his crown to the pope, with all the formalities the legate was pleased to require. He signed also another charter, wherein care was taken to supply all the defects of the former. To render it more authentick, it was sealed with gold, the first being sealed only with wax. Then the king delivered it to the legate for the use of the pope his master. It was not difficult for the confederate barons to perceive, their secret was discovered, and that John's second resignation, was the price of the pope's protection. As nothing was more opposite to their design of recovering their ancient privileges, than the vassalage to which John had subjected the kingdom, cardinal Langton solemnly protested against it, and laid his protestation upon the altar.

Innocent having notice of Langton's protestation, was extremely incensed, that a cardinal should act so directly contrary to the interests of the holy see. He durst not however fall upon him, for fear of putting the whole kingdom in commotion, and inducing the English to join with Langton in defence of their liberties. Indeed, it was by no means proper to let the nation feel so soon the weight of their new servitude.

servitude. On the contrary, it was the pope's interest to let his rights lie dormant a while, that the English, perceiving no alteration, might be less inclined to shake off their yoke. Mean time, the pope however took occasion to mortify the archbishop, by empowering his legate, cardinal Nicholas, to fill all the vacant benefices in England. The legate abused his power most shamefully. Not content with conferring the benefices on Italians, on his relations and creatures, he even gave some to persons unborn. Langton, provoked that his commission should be given to another, took occasion from the legate's ill conduct to appeal to the pope against his proceedings, and sent his brother Simon to Rome to prosecute the appeal. He found Innocent little inclined to give ear to complaints against the legate, who had done him such signal services. Besides, Pandulph, who was sent to Rome with the charter sealed with gold, had very much blasted the credit of the archbishop, and all the English lords. He represented them as turbulent persons, and extolled the king as the most pious of princes. This account caused Innocent, regardless of Langton's remonstrances, to dispatch orders to his legate to take off the interdict which had now lasted above six years. As for the satisfaction demanded by the clergy, he ordered the king should pay but forty thousand marks in lieu of all restitution.

Thus ended this grand affair, which rendered the king of England the pope's vassal and homager. An event of this nature affords ample matter for reflections, which the reader is left to make. I shall content myself with observing, that if, in the first negotiation, the pope would have been satisfied with exacting from John so moderate a restitution, things would doubtless have then been adjusted. For that was the only obstacle to a reconciliation, since the nuncios were satisfied with the rest of the king's proposals. But John had not yet resigned his crown to the pope, whereas after his resignation, the hundred thousand marks offered by him, were reduced to forty thousand. The clergy, who were in hopes of receiving immense sums for this restitution, were very much disappointed. Nevertheless, not daring to contradict the pope's express orders, they were forced to be satisfied with a very moderate sum, in comparison of what they expected. The bishops however found means to indemnify themselves, by not giving any share of the forty thousand marks to the inferior clergy and monasteries. These made their complaints to the legate, but could get no other answer,

1214.

The pope empowers his legate to fill vacant benefices.

M. Paris.

The legate abuses his power.

Langton appeals to the pope.

M. Paris, p. 247, 248.

The interdict is taken off, and a very moderate restitution granted to the bishops.

Id. p. 249.

A. P. P.

t. I. p. 187.

1214- answer, than that having no orders from the pope, it was not in his power to give them any redress.

John carries  
the War into  
France.  
M. Paris.

John finding himself freed, though to his eternal shame, from an affair, which had created him so much trouble, resolved to prosecute the design which the disobedience of the barons had obliged him to relinquish. He hoped to meet with more submission from his subjects, since the pope had openly declared himself his protector, than whilst he lay under the sentence of excommunication. After making the necessary preparations for so important an enterprise, he came to Rochelle with a numerous army, and entering Poitou, subdued that province with the same ease it was taken from him. Encouraged by this success, he marched into Anjou, and rebuilt the walls of Angers, which he had formerly demolished. This sudden attack surprised Philip, who, being then employed in the Low-countries, in an important war with the emperor and the earl of Flanders, could not timely enough oppose this new enemy. However his son, prince

A. A. Publ.  
t. I. p. 181  
—189.  
His subdues  
Poitou, and  
enters An-  
jou.  
M. Paris,  
p. 248.

Prince  
Lewis stops  
his progress.

Lewis, raising an army with all possible expedition, advanced towards Anjou, whilst the English were besieging the strong castle of La Roche au Moine. The approach of the French army destroying John's hopes of being able to continue the siege, he resolved to raise it and give Lewis battle. But the Poitevins refusing to follow him, he was not only forced to relinquish that design, but even to retreat with precipitation.

Rigord.

The French historians say, he was briskly attacked in his retreat, and received a great loss. The English, on the contrary affirm, that Lewis, satisfied with raising the siege, retired without pursuing him. Notwithstanding this accident, John had troops sufficient to expect a good issue of the war, had it continued. But the news of the battle of Bovines, gained by Philip in Flanders, made him think of retreating. This victory, the most considerable France had ever obtained<sup>a</sup>, making John apprehensive the whole burden of the war would lie upon him, demanded a truce for five years, by the mediation of the pope's legate. Though a famous historian affirms, Philip granted this truce

Philip gains  
the battle of  
Bovines.  
John obtains  
a truce.  
A. A. Publ.  
t. I. p. 183  
—192.  
M. Paris,  
p. 250, 251.  
Mezerai.

<sup>a</sup> This famous battle was fought on the 27th of July, between Tournay and Lisse. Though the allies, viz. the emperor Otho, Ferdinand earl of Flanders, with the dukes of Lovain and Brabant, had no less than a hundred and twenty thousand men, and though the king of France had not near so many, and was moreover thrown off

his horse and trod under foot, yet at length he entirely vanquished his enemies. Otho was put to flight, and died some time after with grief; five earls were taken prisoners, one of which was William Longsword, king John's base brother. No prince after that dared to withstand Philip. Chr. Maires.

only

only at the pressing instances of the pope, it may be presumed, he was not unwilling to consent to it. For he could not desire any thing more advantageous, than to see the English return home, since he could gain but little upon them, whereas he had a great deal to lose. 1214.

We are now come to the third period of king John's reign, which was no less full of troubles and misfortunes than the two former. We have seen him in the two first, struggling with two foreign powers, who triumphed over him. In this we shall see him contending with his own subjects, and reduced, in order to support himself in the throne, to lay waste his own kingdom with an army of divers nations, and at length behold a foreign prince receive the oath of fealty from the English. The third part of John's reign.

After having been exposed to so many misfortunes, one would think John, though at the expence of his honour, should have passed the residue of his life in peace. But his lot was otherwise. His past conduct, mixed with haughtiness, caprice, tyranny, imprudence, cowardice, had bred among his subjects a general discontent, that could not fail of producing ill effects. As he lost the people's esteem, the barons became less tractable. Their hopes of succeeding in their designs, were properly built on the little affection of the people for their sovereign. As soon as the king was returned from his French expedition, the barons, who had always their former projects in view, resolved to demand the re-establishment of their privileges. Under colour of a pilgrimage, the chief earls and barons met at St. Edmundsbury, where they came to a resolution, to demand of the king the confirmation of the charter of Henry I. This charter, contained in substance, the liberties enjoyed by the people of England during the dominion of the Saxon kings. Before they parted, it was agreed, that immediately after Christmas, they would go to the king in a body, and present him their petition. Mean time, every one went to his own home to provide himself with men, horses, and arms, to be in condition to compel the king, if there was occasion, to grant their desires. But before I proceed, it will not be amiss to examine the occasion of his quarrel. The foundation of the barons pretensions, and of the king's refusal of what they so earnestly demanded, was as follows. The barons league for the restoration of their liberties. M. Paris, P. 152.

It cannot be denied, that in the reigns of the first Norman kings, and particularly under William the conqueror, the English were oppressed. They were so unjustly dealt with, that not an Englishman was left in possession of any considerable Examination of the king's and barons pretensions.

1214.

able fee °. The Normans and other foreigners were decked with their spoils. At that time the English, who had so great cause to complain, in vain alledged their privileges; all ears were deaf to their complaints. On the contrary, the Normans thought it no injustice for the king to use a despotick power, as long as it was for their advantage. The laws of Edward the confessor were in such disrepute, that it was almost treason to mention them. But when once these very Normans saw themselves firmly settled in their new acquisitions, they began to perceive how dangerous it was to live under an arbitrary power, which might deprive them of what the conqueror had given their ancestors. Therefore by degrees they put on the English genius, wholly addicted to liberty, and wanted to have the Saxon laws re-established. All distinction between the two nations was entirely removed. Every one was desirous of being English rather than Norman. Probably this was the chief reason why the Norman language prevailed not in England, notwithstanding the care and pains of William I. to that end. Upon all occasions, the Normans spoke like true Englishmen, and earnestly demanded the revival of the laws of Edward. They particularly took advantage of the circumstances of William Rufus, Henry I. and Stephen, when they mounted the throne. As these princes had not properly any right to the crown, they were forced to be indulgent to their subjects, and promise them the re-establishment of their ancient laws. Indeed, what the barons demanded would have been very right in the mouth of an Englishman, but these pretensions, with respect to the Normans, might be very justly contested. Accordingly we have seen in the history of these three princes, though they solemnly promised to revive the old laws, they never heartily desired to perform their word. Nevertheless those solemn and repeated engagements gave the barons of the Norman race, a right which they had not before. The

° Not only knights fees, and part of knights fees, but also honours and baronies (which were the greater fees) were called fees. And not without cause, for, except they were held by grand serjeanty only, they were usually composed of knights fees. In general, fee is a name applicable to all feigneries, hors de son fee, hors de sa barony, is as much as to say, out of his barony. It may be observed, that feoffment signified originally the grant of a feud or fee. Nevertheless, by

custom it came afterwards to signify also, a grant (with livery and seisin) of a free inheritance, to a man and his heirs, respect being had rather to the perpetuity of the estate granted, than the feudal tenure. And this has been called a feoffment in fee simple. Out of the fee simple there has been derived another kind of inheritable estate, which has been called a conditional fee, or fee tail. There are likewise feoffments for life. See Madox's dissert. on chart, and instrum. p. 4.

circum-



circumstances of the three first Norman kings, when they ascended the throne, were therefore the true cause of these wrong proceedings, which afterwards became so prejudicial to their successors. They knew their Norman subjects had no right to demand the revival of the Saxon laws, which must have been evidently violated, to settle them in the estates they possessed in England. But necessity compelled these princes to promise what they never intended to perform. The charter of Henry I. was never executed either by himself or any of his successors. What care soever was taken to send copies to the principal monasteries, it was with great difficulty that a single one was found, a hundred years after, and shewn by cardinal Langton to the lords. If therefore the rights of the barons are originally considered, they must be concluded to be built upon no good foundation, because the principal fiefs were in the hands of the descendants of those, to whom they were granted by William the conqueror. But on the other side, it must be confessed, that the many solemn promises of all the kings since the conqueror, to restore the Saxon laws, commonly called the laws of St. Edward, gave the English Normans a very plausible right to demand the performance thereof.

From what has been said it may be easily inferred, that if the barons thought themselves intitled to demand the re-establishment of the privileges of the English nation, John believed himself no less authorised to refuse it. This contest remaining undecided during several reigns, both parties had kept up their respective pretensions. When the king was weak, or in such circumstances as permitted him not to contend, the barons tried to get the liberties of the English restored, and the prince not knowing what to do better, put them off with fair promises, which he had no design to perform. But, under able and prosperous kings the contest was stifled, and the barons waited for a more favourable opportunity to compass their ends. They thought they had now met with one, and resolved to improve it. John's circumstances were just as they wished. Hated and despised by the people, to whom he had given great occasions of discontent, he could never hope to regain their affection. On the other hand, he was without hopes of assistance from king Philip, his most mortal enemy. Much less could he expect any succours from the emperor his nephew, or the earl of Flanders, who were equally crushed by the battle of Bovines. Neither was it likely, that the king of Scotland would espouse the quarrel of a prince, with whom he was extremely

1214.

displeased. As for the assistance John might expect from the pope, as it was to consist only of spiritual arms, the barons were in no concern about it, well knowing such weapons have no edge, but what fear and the circumstances of time and place give them. But as they had reason to hope, the people would join with them in defence of their common interests, they were sure the pope's thunder bolts would do them no hurt. John therefore could not but be worried on this occasion, for having lost the French provinces, he had no refuge against the English.

1215.

The barons demand the revival of the laws of St. Edward. M. Paris.

Full of these hopes, and holding themselves sure of success, the barons<sup>p</sup> came to the king at London<sup>q</sup>, and demanded in express terms, the re-establishment<sup>r</sup> of the laws of St. Edward, with the other rights and privileges contained in the charter of Henry I. They alledged, they required only, what he himself had promised with a solemn oath, before he received his absolution, and for that reason, their most humble petition could not be looked upon as an innovation, much less as proceeding from a spirit of rebellion. This petition, though expressed in the most respectful terms, alarmed the king. As he found, they had taken their resolution in case it was rejected, he believed his best course would be to gain time. He desired them therefore to stay for his answer till Easter, assuring them, he would then declare his intentions. Though it was very easy to see, the king only fought to amuse them, they were afraid of being blamed, should they refuse this delay, and retired<sup>s</sup>.

The king puts off his answer.

Mean time, the king, taking advantage of this delay, caused the oath of fealty to be renewed by all his subjects,

<sup>p</sup> The names of the barons were, Robert Fitzwalter, Eustace de Vesci, Richard de Parcy, Robert de Ros, Peter de Buis, Nicholas de Stuteville, Saer, earl of Winchester, Robert and Henry, earls of Clare, Roger Bigod, earl of Norfolk and Suffolk, William de Mounbrey, Roger de Creisi, Ranulph Fitzrobert, Robert de Ver, Fulk Fitzwarin, William Mallet, William de Montente, William de Beauchamp, S. de Kim, William Marefchall the younger, William Maudut, Roger de Montbegon, John Fitzrobert, John Fitzalan, C. de Laval, O. Fitzalan, W. de Hobrug, O. de Vall, G. de Gant, Maurice de Gant, R. de Brackelle, R. de Monfichet, W. de Lanvalet, G. de Mandeville, earl of Essex,

William his brother, William de Huntingfield, Robert de Greslei, G. constable of Meutun, Alexander de Pointum, Peter Fitzjohn, Alexander de Sutton, Osbert de Bobi, John, constable of Chester, Thomas de Mulutune, Conan Fitzholias, &c. M. Paris, p. 254.

<sup>q</sup> Who was then at the new temple, which was where the inner and middle temple now stand: they came to him in a military apparel. M. Paris.

<sup>r</sup> Or confirmation. Ibid.

<sup>s</sup> Matthew Paris says, the archbishop of Canterbury, the bishop of Ely, and William, earl marshal, were sureties for the king, that on the day appointed he would give them satisfaction, p. 253.

and.

and homage by all his immediate vassals. After which, he took upon him the cross, as if he intended to go to the Holy Land, to the end he might shelter himself under the church's protection<sup>t</sup>. On the other hand, the pope being informed of the barons petition, sent them a letter, exhorting them to continue in obedience to their sovereign, but that did not hinder them from prosecuting their design.

1215.

<sup>He renews the fealty and homage of all his subjects.</sup>  
M. Paris, p. 253.  
Aq. Pub. t. I. p. 156.

As soon as Easter was come, the great men met at Stamford, consisting of almost all the nobility, and making a powerful army, in which were above two thousand knights, besides other horse and foot, armed with divers weapons<sup>u</sup>. The king, who was at Oxford in expectation of their coming, hearing of their number and posture, did not think fit to expose his person in a conference with them. Before they advanced any nearer<sup>v</sup>, he sent the earl of Pembroke<sup>x</sup> to know, what the laws and liberties were, which they mentioned in their petition. Upon which, they delivered a long memorial of the laws and customs observed in the time of the Saxon kings, declaring, if the king would not confirm them, they were resolved to compel him by seizing his castles. John having read this memorial, fell into a violent passion. He said aloud, the barons wanted to deprive him of the government of his kingdom, and swore a great oath, he would never grant his subjects such liberties as would make himself a slave.

<sup>197.</sup>  
The barons press the king for his answer.  
M. Paris, p. 254.

<sup>He rejects their petition.</sup>  
M. Paris,

The king's answer convincing the barons, they expected in vain to obtain their demands otherwise than by force, they chose the lord [Robert] Fitzwalter for their general, styling him the marshal of the army of God and of holy church. At the same time they marched to Northampton, and besieged the castle fifteen days. That place holding out longer than they expected, they raised the siege and went to Bedford, of which they became masters<sup>y</sup>. A few days after, they received advice, that a secret negotiation with some of the chief burghers of London, had succeeded to their

<sup>They choose a general,</sup>  
Ibid.

<sup>and begin hostilities.</sup>  
Ibid.

M. Paris.

<sup>t</sup> About the same time also the king granted a charter for the freedom of elections to bishopricks and abbeyes, to choose their bishops and abbots, without any letters of nomination or recommendation from the king, which was contrary to the usage of his ancestors. So that the nominating to abbeyes, deans, and chapters, fit persons to be elected bishops, was never after fully restored to the crown till the 25th of Henry

VIII. Rymer's fœd. tom. I. p. 197.

<sup>u</sup> The words of the original, viz. M. Paris, are here taken instead of Rapin's, which are not so clear.

<sup>v</sup> They were then at Brackley in Northamptonshire. M. Paris.

<sup>x</sup> And the archbishop of Canterbury, &c.

<sup>y</sup> The castle was put into their hands by William Beauchamp the owner. M. Paris.

1215.

They be-  
come mas-  
ters of Lon-  
don,

and besiege  
the king in  
the Tower.  
M. Paris,  
p. 255.

John is con-  
strained to  
yield to  
them.

with, and that one of the gates of the city was to be put into their hands. The hopes of strengthening themselves with the assistance of so rich and powerful a city, whose name alone would give a reputation to their party, caused them to make such speed, that in two marches they came to Aldgate. The gate being opened to them, they entered the city at break of day, before the king, who was in the Tower, had the least notice of their approach. So great an advantage enabling them to undertake any thing, they resolved to besiege the king in the Tower. Whilst they were employed in the siege, which however they could not begin without great preparations, they sent circular letters to all the lords of the king's party, and to those that stood neuter <sup>2</sup>. Without any preface, they let them know, their estates would be plundered, and their houses demolished, if they did not come and join with them in support of the common cause of the kingdom. These threats had so good an effect, that all the neutral lords joined with the barons. Nay, some on whom the king chiefly relied, deserted him for fear of the impending evils. This defection rendering the king more tractable, he sent the earl of Pembroke to inform the barons, he was ready to grant their demands. This was properly throwing himself upon their mercy. But as matters then stood, he had no other course to take. After a short negotiation, it was agreed, the king and the barons should meet on a day prefixed, in a meadow called Runnemed <sup>3</sup>, to conclude this affair.

<sup>2</sup> Namely, to William Mareſchall, earl of Pembroke, Ranulph, earl of Cheſter, William, earl of Saluſbury, William, earl of Warren, William, earl of Albemarle, H. earl of Cornwall, W. and Philip de Albiney, Robert de Vieuſpont, Peter Fitzhubert, Brian de l'Iſle, G. de Luci, G. de Furnival, Thomas Baſſet, Henry de Braibrock, John de Baſſingebrene, William de Cantelu, Henry de Cornhulle, John Fitzhugh, Hugh de Neville, John Mareſcall, William Bruwerre, &c. Id. p. 255.

<sup>3</sup> Between Stains and Windſor. Runnemed, ſayt M. Weſt. ſignifies the mead of council; becauſe, from ancient times, treaties concerning the peace of the kingdom had been often held there. Both parties met on the 5th of June, and pitched their tents aſunder in the meadow. On the king's ſide

appeared the archbiſhops of Canterbury and Dublin, with the biſhops of London, Wincheſter, Lincoln, Bath, Worceſter, Coventry, and Rocheſter; Pandulph the pope's legate, and Almeric, maſter of the knights templars in England. And of the laity, William Mareſcall, earl of Pembroke, the earls of Saluſbury, Warren, and Arundel; with the barons, Alan de Galloway, William Fitzgerald, Peter and Matthew Fitzherbert, Thomas and Alan Baſſet, Hugh de Neville, Hubert de Burgh, ſeneſchal of Poiſitou, Robert de Roppeley, John Mareſcall, and Philip de Albiney. As for thoſe on the barons ſide, they are ſcarce to be numbered, as you may ſee in Mat. Paris, under the year 1215. The chief were, Robert Fitzwalter the general, &c. See their names above, in note P, p. 466.

The

The barons came in great numbers to the place appointed, whilst the king appeared attended only by five or six lords. Among whom was the cardinal archbishop, who affected to perform the office of mediator, though he was the principal author of the troubles. It was soon agreed, what satisfaction the king should give the barons. As they would make no concessions, it was not in the king's power to deny any thing. Besides, he considered, the higher they ran in their demands, the more plausible would his pretence be to retract when a favourable opportunity offered. And therefore, without objecting to any of the articles proposed, he pretended freely to grant what in reality was extorted by force. He signed two charters, wherein the barons inserted whatever they pleased. The first was called the charter of liberties, or the great charter <sup>b</sup>, the other, the charter of the liberties of the forest. By perusing these charters, which will be inserted at the end of this reign, the reader may see what oppressions the English had been liable to since the conquest, and what privileges they gained on this occasion. From that time these two charters have been the foundation of the English liberties, notwithstanding the endeavours of John himself and some of his successors, to annul them.

These charters were signed by the king, and all the lords spiritual and temporal of the realm, sealed with the great seal, and confirmed by the king's solemn oath. But for the better securing the observance thereof, there were chosen, with the king's consent, five and twenty barons, to any four of whom all persons might apply to complain of the breach of the charters. It was further agreed, that the four barons, who should first be informed of any grievance, should acquaint the king with it, and if it was not redressed within forty days, should give notice of it to all the barons, for whom, in that case, it should be lawful to take up arms, and seize the king's castles, in order to oblige him to redress the grievance. All violence, however, to the king's person, the queen, and their issue, was excepted. But to remove the people's scruples, about taking up arms against their sovereign, the king consented that all persons should swear to assist the barons, in all cases relating to the two charters. Lastly, to all these concessions he added letters patents, directed to all his subjects, empowering them to take the oaths of all his subjects,

1215.

He signs  
magna  
charta, and  
the charter  
of forests.  
M. Paris,  
p. 255, &c.  
M. West.

Precautions  
of the barons  
that the charters  
might be  
observed.  
Aft. Pub.  
t. I. p. 201.  
M. Paris,  
p. 262.

<sup>b</sup> Charta communium libertatum, or magna charta. M. Paris, ann. 1215.

1215. that they would punctually observe the two charters, and if it was necessary, compel the king to observe the same <sup>c</sup>.

John repents  
the signing  
of the charters.

Id. p. 264.

Ibid.

He endeavours to annul them.

He raises a troop of adventurers in foreign countries. M. Paris, p. 267.

The saying of an historian upon the like occasion, is very applicable here, that the king intended not to bind himself with chains of parchment. All the precautions taken by the barons to tie up their sovereign, served only to make him the more eager to free himself from a yoke, which to him seemed intolerable. They that were about him being mostly foreigners, helped also to exasperate him, by aggravating the pride and insolence of the barons. As they were sensible these charters, which set bounds to the regal power, could not but be prejudicial to them, they never ceased representing to him the injury he had done himself in signing them. In short, all their discourses tended only to put him upon measures to free himself from the subjection, to which his concessions had rendered him liable. They very easily succeeded in their design, but the greatest difficulty lay in the execution. This unhappy prince, continually tormented by his own thoughts, and the virulent reproaches of his courtiers, grew so reserved and melancholy, as sufficiently discovered his vexation. He considered with himself of means to be revenged, but knew not where to have men and money, to that end. And indeed he saw no other remedy than to apply to the barons themselves, against whom he designed to use them. But it was not easy to deceive them, who were so jealous of him. In fine, after turning himself every way, his despair suggested to him a means of raising troops, without having wherewithal to pay them, which was, to send some of his confidants <sup>d</sup> into France, Germany, and Flanders, with orders to promise such as would enter into his service, the confiscated estates of the rebellious barons, as he called them. He gave these agents likewise a power to make grants beforehand of the lands of the English lords, and to execute the deeds in form <sup>e</sup>. By the like engagements William the conqueror had formerly assembled a nu-

<sup>c</sup> By another agreement, printed in Dr. Brady's appendix, the city of London was to remain in the hands of the barons mentioned in the note above, till the 15th of August that year, and that the archbishop should hold the Tower for the same term. See Rymer's fœd. tom. I. p. 201.

<sup>d</sup> His agents were, Walter, bishop of Worcester, his chancellor, John, bishop of Norwich, Richard de Marisco, or Maris, who went to the pope, Wil-

liam Gernon, and Hugh de Boves. M. Paris.

<sup>e</sup> He ordered, that those foreign troops should be at Dover by Michaelmas. Id. p. 266. Mat. Paris says, the king counterfeited the bishops seal, and wrote in their names to all nations, saying, that all the English were become apostates; and whoever would invade them, the king, with the consent of the pope and bishops, would give them the lands of these apostates, p. 255.

merous army, which rendered him master of England. They that had engaged with that prince were very successful. So the consideration of the noble estates they had acquired in the kingdom induced great numbers to try the same way, in expectation of John's procuring them the same advantages. At all times, there are but too many ambitious or desperate persons, who eagerly embrace all opportunities of enriching themselves, without regarding the justice or injustice of the side they espouse <sup>f</sup>.

Whilst his agents were employed in levying troops, John was taking care to secure the court of Rome. He knew by fatal experience, how capable the pope's formidable power was of promoting or hindering the execution of his designs. And therefore he sent the pope a letter <sup>g</sup>, informing him of the constraint put upon him, though, as he assured him, he had protested, that being a vassal of the holy see, he could do nothing without his consent. With this letter he sent a copy of the charters, and desired the pope to observe, that all the articles were so many encroachments upon the regal power, and consequently upon the lord paramount. This was flattering the pope in the most sensible part. Upon this foundation he entreated him to absolve him from his oath, that he might, with a safe conscience, use his endeavours to free himself from so heavy a yoke. After taking these measures with all possible secrecy, fearing, if he appeared too much in publick, his designs might be discovered, or guessed at, he chose the isle of Wight for his residence. In this retirement he kept himself as it were concealed a good while, conversing only with fishermen and sailors, and diverting himself by walking on the sea shore with his domesticks. When the king was known to be retired to the isle of Wight, people were in vain inquisitive about the cause of his retreat. Some joked, and said he was become a fisherman or merchant, others, that he designed to turn pirate. But though he was not ignorant of these scoffs, he never regarded them. During three months, he waited patiently for the return of his agents, and the arrival of the foreign troops, which he was made to expect.

He met with no difficulties at the court of Rome, whose interest it was to support him. Innocent fell into a strange

<sup>f</sup> He sent orders also to all the wardens of his castles, to furnish them with arms and provisions.

<sup>g</sup> The king's letter to the pope concludes with these words: pro certo ha-

bentes, quod post Deum, personam vestram, & auctoritatem sedis apostolicæ, habemus unicum & singulare præsidium, & sub vestri confidentiæ patrocinii respiramus. Rapin.

1215.

Innocent threatens the barons. Aët. Pub. t. I. p. 156, 197, 200, 203, 205. M. Paris, p. 266.

They make light of it, and seize Rochester. M. Paris.

The pope annuls the charters, and absolves the king from his oath. Aët. Pub. t. I. p. 207. Knighton. M. Paris. Great numbers of foreign troops arrive. M. Paris.

The king retakes Rochester. M. West. M. Paris.

passion with the barons, for daring, without consulting him, to cause their king to sign charters of that nature, and put a constraint upon a prince, who had taken the cross, and was under the church's protection. In his rage, he swore [by St. Peter] that let what would be the consequence, their rashness should not go unpunished. At the same time he sent them a letter, enjoining them to renounce what they had extorted from their sovereign, unless they would incur the indignation of the holy see. But the barons made light of his injunctions, and without fearing his thunders, seized upon Rochester, which cardinal Langton put into their hands <sup>a</sup>. They found there a prodigious quantity of ammunition, laid in by the king, to be used upon occasion. This was, probably, the reason of their taking that place.

Mean time the pope annulling the two charters, and absolving the king from his oath, John's affairs began to have a new face, by the advice he received, that his agents had listed great numbers of adventurers in his service. Whereupon, John hastily quitted the isle of Wight, and went to receive them at Dover. In a short time, he had the satisfaction to see vast numbers arrive from Brabant, Flanders <sup>1</sup>, Normandy, Poictou, Gasconne, all soldiers of Fortune, and ready to venture their lives to gain an estate. The number of these adventurers was so considerable, that the historians who mention it, are scarce to be credited. But by an unexpected accident, one of the leaders, Hugh de Boves, with no less, as it is said, than forty thousand men, perished in the Sea. If these had safely arrived, John would, doubtless, have had it in his power to treat the Normans settled in England, in the same manner as William the conqueror had formerly treated the English. But, notwithstanding this great loss, there were troops enough left to enable him to trample upon the barons, who little expected such a revolution. His first undertaking was the siege of Rochester, which, after a long resistance, surrendered at last, in spite of the barons endeavours to throw in some succours. He was so exasperated, that he would have hanged the whole garrison, if his generals had not represented to him, that he would expose his

<sup>a</sup> Qui quæ conscientia nescio, illud Regis inimicis tradidit. M. Paris. Rabin.

<sup>1</sup> The troops from Brabant and Flanders were commanded by Walter

Buck, Gerard Sottini, and Godeschall; those from Poictou and Gasconne, by Savaric de Maulion, Geoffrey, and Oliver de Buteville, brothers. M. Paris.



own troops to the same cruel usage<sup>k</sup>. After the taking of 1215.  
 Rochester, he divided his army in two bodies. He gave one  
 to his natural brother the earl of Salisbury, to go and ravage  
 the southern counties, whilst with the other he marched into  
 the northern parts, to make them feel the effects of his ven-  
 geance. Never was England in so deplorable a condition,  
 with two armies of hungry foreigners, ravaging the country  
 in a merciless manner. We may easily guess that they spared  
 not the houses and lands of the barons, who, perceiving  
 themselves too weak to appear in the field, were retired to  
 London.

Mean while, the pope thundered out an excommunication  
 against the barons, and ordered Pandulph, and the bishop of  
 Rochester, to enjoin cardinal Langton in his name to publish  
 the bull. But the archbishop pretending the pope was im-  
 posed upon, refused to comply, till he himself had informed  
 his holiness of all particulars. His true reason was, because  
 he could not resolve to proceed against those whom he had  
 himself encouraged to take arms. Upon his refusal, the two  
 commissioners published the excommunication themselves,  
 and suspended the archbishop, pursuant to their orders. The  
 barons not valuing this censure, on pretence they were not  
 particularly named in the bull, continued their endeavours to  
 defend themselves against the king. As for the cardinal arch-  
 bishop, he was sent for to Rome, where he was like to be  
 deposed, but the pope relenting at the entreaties of the other  
 cardinals, only confirmed his suspension. Some time after,  
 he found another occasion to mortify him, by voiding his  
 brother Simon's election, who was chosen archbishop of  
 York, and putting his enemy, Walter de Grey, in his room,  
 from whom however he exacted [for his pall] ten thousand  
 pounds sterling<sup>l</sup>, for the occasions of the holy see. In fine,  
 after several mortifications at Rome, Langton's suspension  
 was taken off, on condition, he would not return to Eng-  
 land till the troubles were entirely appeased.

When Innocent was informed of the barons pretence for  
 not submitting to the excommunication, he published another

<sup>k</sup> William de Albiney, whom the  
 barons had sent for and made governor  
 under the archbishop, William de Lan-  
 caster, and William de Emesford, and  
 some others, were sent close prisoners to  
 Corf castle. The ordinary soldiers, ex-  
 cept the cross-bow men, were all hang-  
 ed.

<sup>l</sup> Hence may be guessed what vast

sums of money the pope in those days  
 extorted out of England, and what  
 great riches the clergy possessed, when  
 this archbishop was to pay the pope as  
 much as would now be equal to fifty  
 thousand pounds. He is said to be pro-  
 moted to the see of York for not hav-  
 ing known woman.

bull,

1215. bull, wherein they were all excommunicated by name. Their lands were put under an interdict, as well as the city of London, which had taken their part. As the barons expected this second bull, they were resolved to disregard it, and prevent its being published in London. They alledged

The barons are excommunicated again.

Act. Pub. t. I. p. 211. They despise the pope's censures. M. Paris, p. 278.

in their vindication, that the bull was obtained by false suggestions, and consequently of no force, that besides, it was not the pope's business to meddle with temporal affairs, since St. Peter received from Christ only spiritual power, for which reason, it was neither just nor right, that christians should suffer themselves to be governed by the ambition and avarice of the popes. One would hardly believe, they who talked at this rate, were the same persons who refused to serve the king, because he was excommunicated, were there not a thousand instances to show, how apt men are to square their opinions by their interests. Mean time, the pope had the mortification to see his authority contemned, without being able to help it, since the people were not for him, in which case he ever darts his thunders in vain. Whilst the barons and Londoners were taking these vigorous resolutions against the pope, John continued ravaging the kingdom, and especially the lands of the confederate barons<sup>m</sup>. It is easy to conceive, that the manner of the foreign troops executing his orders, was none of the mildest, and that numberless outrages and cruelties were committed on this occasion, which increased the animosity of the barons against the king<sup>n</sup>.

John continues his ravages. M. Paris, p. 274. M. West.

The barons make an offer of the crown to prince Lewis of France. M. Paris, p. 279. M. West. An. Waver. Meserai.

Mean time the confederate barons were in a deplorable condition. Instead of recovering their privileges, they beheld their estates plundered and given to foreigners, whilst the king was with pleasure glutting his revenge. Their wretched state caused them at last to take a desperate course, which engaged them to hazard their own with the kingdom's ruin, to have the satisfaction of being revenged on the king, though at the expence of the poor people. They acquaint-

<sup>m</sup> He marched through St. Albans, to Dunstable, Northampton, and Nottingham; whilst William earl of Salisbury, and Falcassius, with an army of foreigners, ravaging Essex, Hertford, Middlesex, Cambridge, and Huntingdonshire. M. Paris. But in return for these outrages, a strong party of the barons spoiled and ravaged the counties of Cambridge, Norfolk, Suffolk, Es-

sex, and Hertford; or those parts of them at least, that belonged to the king's adherents. M. West.

<sup>n</sup> Roger de Wendover, (who was then alive,) as well as Radulph of Coggeshal, have given us a particular account of the barbarities committed by king John's mercenaries, whom he calls the guards of Satan, and ministers of the devil.

ed the king of France \*, that if he would send Prince Lewis his son, they promised to set the crown of England on his head, provided he brought sufficient forces to free them from the tyranny of king John. Philip did not want much entreaty to accept of the barons offer. He had once before thought of conquering England, and if the loss of his fleet, much more than the threats of the pope, had made him desist from his enterprize, he had still a longing desire to accomplish it, if a fair opportunity should offer. And as this, which the rupture between John and the barons furnished him with, seemed very favourable, he embraced it immediately. He only desired the barons to deliver twenty five hostages, for the performance of their promise, to which they readily consented. Upon the arrival of the hostages at Paris, prince Lewis, then in Languedoc warring against the Albigenses, came to the king his father, to prepare for this important expedition. Some troops were immediately sent to the barons †, with assurances that he would soon ‡ follow in person with a greater supply.

1215.

Philip promises to assist them.  
M. Paris, ibid.

The preparations in France coming to the pope's ears, he dispatched thither one Gallo, as his legate, to try to put a stop to them. The legate having an audience of the king, forbade him in the pope's name to carry his arms into England, as being part of St. Peter's patrimony, and threatened all persons whatsoever with excommunication that should, directly or indirectly, assist the English barons. Philip, regardless of these threats, replied, that England was no patrimony of St. Peter, for it was evident, king John could not subject his kingdom, without the consent of the states, that an act of such a nature was beyond the power of any king, and that the maxims which the pope would introduce, were too pernicious to all states to be received †. The person that said this, was however the same Philip, who, three years

1216.

Great preparations in France.  
M. Paris.  
The pope forbids Philip to war against England.  
Philip's answer.  
Mezerai.  
M. Paris, p. 280.  
M. West.

\* By Saer earl of Winchester, and Robert Fitzwalter, who carried letters sealed with the barons seal. The reason of their applying particularly to him, was, that most of the foreigners in king John's service, were Philip's subjects; and so they should withdraw king John's main support, by having Philip on their side. M. Paris, p. 279.

† Under the command of the Castellan of St. Omers, the Castellan of Arras, Hugh Chacun, Eustace de Neville, Giles de Melun, Baldwin Bre-

tel, William de Wimes, William de Beaumont, Giles de Herfi, and Brise de Ferfi; who came up the Thames to London on the 27th of February. Some of the English barons holding a tournament with these French noblemen, one of them mortally wounded Geoffray de Mandeville, earl of Essex, to the great grief of his party. M. Paris, p. 279.

‡ By Easter. M. Paris, p. 280.

† Matthew Paris says, that all the great men of France unanimously declared, they would maintain this point even

1216.



years before, by the pope's sole authority, thought himself entitled to England; which is a clear evidence that the pope's exorbitant power was not allowed from a religious principle, but from a motive of interest or fear. Thus the court of Rome received, at certain times, mortifications, which she readily winked at, whilst, on other occasions, she exerted her authority, with extraordinary haughtiness.

Lewis arrives  
in England,  
M. Paris,  
p. 282.

The pope's prohibition not interrupting the French armament, Lewis was soon ready to sail for England with a fleet of seven hundred ships<sup>a</sup>. Mean time John, who went to Dover upon the first news of the design of the French, not thinking himself able to hinder their descent, was retired to Winchester; so Lewis meeting no opposition, landed his troops at Sandwich, without molestation. After that, he marched against Rochester, which made but a faint resistance. The taking of that city drew after it the whole county of Kent, except Dover castle, where John had left a strong garrison with a brave and faithful governor<sup>t</sup>.

and takes  
Rochester.  
Ibid.

The abbot of  
St. Augustine's  
sexcommunicates  
Lewis.  
Thorn,  
p. 1868.

Mean while, the pope sent Gallo, his legate, orders to repair into England, and solemnly publish the bull of excommunication against the barons. At the same time he commissioned the abbot of St. Augustine's, to denounce prince Lewis excommunicated the moment he set foot in England. Lewis endeavoured to divert this blow, by representing to the abbot, in a letter<sup>u</sup>, his right to the crown of England. Among other reasons, he alledged, that John mounting the throne only by the consent of the barons, the same authority might depose him and put another in his place<sup>v</sup>. The abbot not being gained by his arguments, declared prince Lewis and his adherents excommunicated, pursuant to the pope's express orders. But this was not sufficient to deter that prince from his enterprise. As soon as he became master of Rochester, he marched to London, where the barons<sup>x</sup> and citizens swore fealty to him, after his solemn oath to restore to all their lost inheritances, and to the nation their ancient privileges. It does not appear in the English historians that

The barons  
swear fealty  
to Lewis.  
M. Paris,  
p. 282.

even to death, that no king or prince, without the consent of his barons, had power to give away, or make over his kingdom, and thereby enslave his nobility. These things were transacted at Lyons, about fifteen days after Easter. M. Paris. M. West.

<sup>a</sup> Six hundred ships, and fourscore other vessels, called by M. Paris, Coggs.

<sup>t</sup> Hubert de Burge. M. Paris,

<sup>u</sup> This letter is still extant in Thorn's history of that abbey.

<sup>v</sup> Alluding to archbishop Hubert's speech at his coronation.

<sup>x</sup> The chief of the barons that resorted to him, were William earl of Warren, William, earl of Arundel, William, earl of Salisbury, William Marescall the younger, &c. M. Paris, p. 282.

this

this prince was crowned. However he certainly acted as king, and disposed of every thing relating to the government, as if he had been lawfully invested with the royal authority <sup>y</sup>.

He made Simon Langton his chancellor, who being incensed against the pope, persuaded the barons and Londoners to despise the court of Rome's censures, and notwithstanding the interdict, to be present at divine service, which was celebrated as usual. Lewis for his part readily consented to what was so agreeable to his intentions. When he resolved upon this undertaking, he plainly foresaw, he should meet with obstacles from the pope, and therefore was determined not to value his censures. Herein he only followed the example of his father and the French bishops, who appealed to the pope when better informed, from the sentence of interdict denounced upon the whole kingdom <sup>z</sup>. Appeals to a future general council were not yet much in use, nor the commodious distinction between the holy see and the person of the pope.

Lewis's party daily increasing, as he continued his progress, he quickly became master of most of the southern counties. After that he marched towards Norfolk and Suffolk, which likewise submitted to him. During these successes, he met with no resistance except from William de Collingham, who, with a thousand archers, keeping close to the prince's army, fell upon the French that straggled for plunder <sup>a</sup>. Shortly after, Lewis's adherents in the North <sup>b</sup> took the city of York, and desired him to come into those parts to finish the conquest of all the country beyond the Humber <sup>c</sup>. But whilst he was preparing for this expedition, he received a letter from his father, reproving him for leav-

1216.

He makes  
Simon Lang-  
ton chan-  
cellor.  
M. Paris.

Lewis makes  
great pro-  
gress.  
M. Paris,  
p. 282.  
An. Waverl.

<sup>y</sup> He summoned, on the fourteenth of June, the king of Scotland, and all the great men of England to do him homage, or forthwith to depart the kingdom. M. Paris.

<sup>z</sup> Pope Boniface VIII. upon a quarrel with Philip, excommunicated him, and absolved his subjects from their allegiance, which so incensed him, that he got the pope condemned in a synod, for simony, murder, atheism, adultery, &c; and his bull, wherein he asserted that he was supreme lord in temporals, was burnt by the parliament of Paris, and by the states of France, who declared against the papal usurpations.

<sup>a</sup> Hugh de Neville surrendered to him the castle of Marlborough; and Wil-

liam de Mandeville, Robert Fitzwalter, and William de Huntingfield reduced Essex and Suffolk to his obedience. In the mean time king John furnished the castles of Wallingford, Corf, Warham, Bristol, the Devises, &c. with arms and provisions. M. Paris.

<sup>b</sup> Commanded by Robert de Ros, Peter de Brus, and Richard de Percy. M. Paris.

<sup>c</sup> Lewis marched through the eastern parts of England, and spoiled Essex, Suffolk, and Norfolk, seized upon the castle of Norwich, reduced Lyn, and made all those counties tributary. Gilbert de Gant surrendered Lincolnshire to him; and took Lincoln. M. Paris.

1216.

He besieges  
Dover,  
and the  
barons,  
Windsor.

M. Paris,  
p. 286.  
M. West.

The Scotch  
king does  
him ho-  
mage.

Id. p. 287.

Lewis de-  
fends his  
claim to  
England  
before the  
pope.

M. Paris,  
p. 283, &c.

The objecti-  
ons and re-  
plies.

ing behind him the castles of Dover and Windsor, which were of greater moment than the northern counties. Upon this, he marched back to besiege Dover, whilst the English barons invested Windsor. About the same time, Alexander I. king of Scotland, pursuant to Lewis's summons, came and did him homage in person, for the lands he held of the crown of England<sup>d</sup>. Which done, Lewis and the English barons swore, that they would never make peace without his knowledge. But this promise was not afterwards well performed. A little after, John had the mortification to see himself deserted by the Flemish and Poictevin troops, whom Lewis had found means to entice away from his service.

Whilst these things passed in England, the ambassadors sent by Lewis to Rome, were trying to vindicate their master's claim to the crown of England. They founded his right chiefly upon his marriage with Blanch of Castile, pretending that John being lawfully deposed by the barons, the crown was devolved to Blanch his niece. As the account given by an historian<sup>e</sup> of the ambassadors conference with Innocent, may serve to clear this affair, it will not be amiss to relate some of the particulars. The pope objected to the ambassadors, that supposing John was lawfully deposed, his children ought not to be involved in his misfortune. But supposing his children, young as they were, to be partakers of their father's crimes, Eleanor of Bretagne<sup>f</sup>, who was still alive, preceded all others. In fine, that the emperor Otho, son of Henry II.'s eldest daughter, ought manifestly to go before Blanch of Castile, who was born of the youngest. The ambassador replied, Eleanor's father and Otho's mother being dead, representation could not take place, but the mother of Blanch being still living, her daughter might justly represent her. But, answered the pope, why should Blanch be preferred to the king of Castile her brother, and the queen of Leon her eldest sister? this was a puzzling objection. But however, as on this occasion, the thing was not so much to give good reasons, as to alledge some good or bad, in order to satisfy the pope, the ambassadors were not at a loss for an answer. They affirmed, that when there were several heirs, and the next of kin did not appear and put in

<sup>d</sup> He also subdued Northumberland for Lewis. M. Paris, p. 286.

<sup>e</sup> Matthew Paris, ann. 1216, hath set forth at large the reasons presented to the pope on Lewis's behalf, with the pope's replies, which contain not only

the clear state of this controversy, but also many curious points in the feudal law of that age. See M. Paris, p. 283—285.

<sup>f</sup> Arthur's sister, in confinement in Bristol castle.

his claim, a more distant relation might take possession of the inheritance, saving to the other his right: that upon this foundation their master had entered England, but if afterwards a nearer than he should claim, he should be always ready to give him a reasonable satisfaction. Innocent, who was forced to be satisfied with this reply, alledged not so much to prove the justice of Lewis's title, as to show a deference to the pope in debating the matter before him. Whatever his decision might be, Lewis was resolved to prosecute his pretended right, which he grounded more upon force than equity.

1216.

The French and English troops being employed in the siege of Dover and Windsor, John, who till then thought himself too weak to take the field, left Winchester and marched into Norfolk and Suffolk, where he committed great ravages <sup>s</sup>. But hearing the barons had raised the siege of Windsor, with intent to give him battle, he retired to an advantageous post near Stanford, where it would have been very difficult to attack him. He took care not to hazard a battle, apprehensive as he was, that the officers of his army, most of whom were subjects of the king of France, would make their peace with Lewis by some notable treachery. He was further induced to avoid fighting, by the advantages he expected from prolonging the war. He believed he had reason to hope, the English would quickly grow weary of the French, who began already to play the tyrant, never troubling themselves to conform to their temper and ways. John's expectations were not groundless. The barons were extremely grieved to see all the rewards distributed to the foreigners, and their own inheritances bestowed on the favourites of the prince whom they had sent for, as if the English had no right to the conquests that were making. But all this would not perhaps have engaged them to take other measures, if what they learnt from the mouth of the viscount de Melun, one of Lewis's prime confidants, had not forced them to think of their safety. If certain historians are to be credited, this nobleman being seized by a mortal distemper at London, caused such of the barons as were posted there for the security of the city, to be sent for. When they came, he told them, he could not forbear discovering a secret, which lay heavy upon his conscience, and if longer concealed from the English, would infallibly bring them into

John ravages Norfolk and Suffolk. M. Paris, p. 286. M. West.

A secret discovered by the viscount of Melun. Knighton. M. Paris, p. 287.

<sup>s</sup> Particularly upon the estates belonging to the earl of Arundel, Roger Bigod, William de Huntingfield, Roger de Craici, &c. M. Paris.

1216.

Remarks on  
this secret.Several ba-  
rons think of  
returning to  
the king.  
M. Paris,  
p. 288.John carries  
his crown  
to Lynn.  
M. Paris.He grants  
that town  
great privi-  
leges.  
Camden.  
He retires  
into Lin-  
colnshire.  
M. Paris,  
p. 287.

utter destruction. Then he disclosed to them, that the prince was resolved to banish all the barons that had taken arms against king John, as traitors to their country <sup>h</sup>. He added, this resolution was taken in a council of sixteen French lords, (of whom he himself was one) and confirmed by the prince with an oath. He declared upon the word of a dying man, what he said was true, and ought to be the less questioned, as he was just going to appear before the tribunal of God. The French historians call this secret a fiction. It must be confessed, it is hard to conceive what should induce prince Lewis to make such an oath, in the presence of sixteen witnesses, though he should intend to insinuate, that this would be a means amply to reward their services. For it would have been very imprudent to reveal so early so black a design. However, whether the thing was true, or invented to sow discord between the French and English, this pretended secret being whispered about, made a very deep impression on the minds of the barons. It had the greater effect, as it agreed with the suspicions the barons had already conceived of the French. From thenceforward many began to repent of calling in the foreigners, and seriously to think of returning to the obedience of their sovereign. Nay, no less than forty privately gave the king assurances of their good intentions. But the rest durst not venture to trust a prince whom they had so grievously offended, and with whose cruel and revengeful temper they were too well acquainted.

Mean time that unhappy prince was in perpetual motion, not knowing whom to trust, being suspicious of his own friends. For which reason he carefully avoided fighting, and incessantly marched from place to place, to break the measures of his enemies. He thought himself safest in the county of Norfolk, where he chose the little town of Lynn to secure his treasures, his crown, sceptre, and other things of value. This town had expressed for him such affection and loyalty, that as a mark of his gratitude he granted it great privileges. Among other things, he made it a mayor town, and presented the first mayor with his own sword, which is still carefully kept there. However, as he found himself pressed by the barons, and fearing his treasures were not safe at Lynn, he resolved to remove them to a certain place in Lincolnshire, where he intended to retire. He very

<sup>h</sup> Rapin says, to their king and country; but king is not mentioned in M. Paris, who adds, and destroy their posterity.



narrowly escaped drowning with his whole army in the large marsh<sup>1</sup>, which parts the two counties of Lincoln and Norfolk. Before he was quite over, the tide coming up the river Well-stream, which overflows the marsh-land at high-water, put him in extreme danger. But if he escaped himself he could not save his baggage, which was all swallowed up by the waters. He arrived that night at Swines-head abbey, where he lodged. His vexation for his loss, which was irretrievable in his present circumstances, threw him into a violent fever, which was heightened by inconsiderately eating peaches<sup>2</sup>. On the morrow, not being able to ride, he was carried in a litter to Sleaford castle, from whence the next day he proceeded to Newark. Here finding his illness increase, he made his will and appointed Henry his eldest son, then but ten years of age, his heir. The care of his salvation employed his thoughts during the rest of his sickness, which put an end to his days on the 18th of October, 1216, in the fifty-first year of his age, after an unhappy reign of seventeen years, seven months, and ten days. His body was carried to Worcester, according to his own order, and buried with little funeral pomp in the cathedral, where his tomb [with his image upon it] is still to be seen<sup>3</sup>. Some will have it that he was poisoned by a monk of Swines-head abbey, but that is very improbable, since it is not mentioned by any of the cotemporary historians<sup>4</sup>.

He loses all his baggage and falls sick. M. Paris, Matt. West.

He makes his will, and dies at Newark. M. Paris, p. 288. M. West.

T. Wikes, Knighton. Hemingf.

<sup>1</sup> The washes between a place called the cross keys in Norfolk, and Forthike in Holland in Lincolnshire.

<sup>2</sup> And also attended with a flux. M. Paris, p. 286.

<sup>3</sup> His tomb of grey marble is placed between the choir and the high altar: the figure of the king as big as the life, and the bishops, St. Oswald and St. Wulfstan, at his head in little with their censers in their hands, are carved in stone, which seems to be as ancient as the time of Henry III. But the altar tomb on which it is placed is of a modern fabrick. There is no inscription. Sandf. geneal. p. 85.

<sup>4</sup> Caxton is the first that mentions it in English, from whom Speed and Baker have borrowed it. He says, that the king hearing it said how cheap corn then was, answered, he would e're long make it so dear, that a penny loaf should be sold for a shilling. At which a monk there present took such indignation, that he went and put the poison of a toad into a cup of

wine, and came and drank to the king, which made him pledge him the more readily. But finding himself very much out of order upon it, he asked for the monk, and when it was told him he was dead, God have mercy upon me, (says the king) I doubted as much. But it is a very improbable story for a man to poison himself to be revenged of another. But Walter Hemingford tells it a different way; he says, the abbot persuaded the monk to poison the king because he would have lain with his sister; and that he did it by a dish of pears which he poisoned all but three, and then presenting them to the king, he bid him taste them himself, which he did eating only the three that he had marked; and so escaped, whilst the king was poisoned with the rest. From Hemingford, Higden and Knighton copied this story, which is not mentioned by any historian that lived within sixty years of that time. See Knighton, p. 2425.

1216.

The cha-  
racter of  
John.

If this prince's character be drawn according to Matthew Paris, his chief historian, he must be represented as one of the vilest wretches that ever lived. But, as I have elsewhere observed, the histories of princes, who have had any contests with the court of Rome, are to be read with great caution. It is better therefore, without regarding the particular sentiments and expressions of the historians, solely to examine the actions of this monarch, in order to discover his temper and inclinations. It is certain we must frame a very disadvantageous idea of him, when we consider his unjust proceedings with regard to his brother Richard: the death of prince Arthur his nephew, of which he never cleared himself thoroughly: the perpetual imprisonment of Eleanor of Bretagne his niece: his putting away Avisia of Gloucester: his extreme indolence, when Philip Augustus was conquering his dominions in France: his base resignation of his crown to the pope: his breach of faith with the barons: and lastly, his bringing into the kingdom an army of foreign mercenaries, to be revenged on his subjects. However, if one had a mind to undertake his vindication upon most of these articles, it would not perhaps be so difficult as it seems at first sight. But without meddling with a subject, which would lead me too far, I shall content myself with saying of this prince, what I elsewhere said of William Rufus: that finding in king John scarce one valuable qualification, it is not worth while to justify some particular actions, though it evidently appears, that the writers of his life have drawn him in blacker colours than he deserved. This prince had great failings, which would not have been so visible or so aggravated by the historians, had he been cotemporary with a king of France of less policy and ambition, with a pope of less pride and more conscience, and with a nobility of a less turbulent spirit. As for raising taxes without the consent of the states, it may be said, it was not very unusual since William the conqueror, as the reader may have observed in some former reigns. And yet this is what several modern historians exclaim against, as if in those days England enjoyed the same privileges as at present. It is easy to see things were then upon a different foot, when it is considered, that there was a necessity to recur to the time of the Saxon kings to find the foundations of these privileges.

King John's fortune never agreed with his temper. He was a lover of ease and quiet, and his fortune was to be perpetually in action. He was fit neither for prosperity nor adversity. The former rendered him extremely insolent, and

and the latter surprisingly dejected. So that a middle form would doubtless have been most suitable to his temper. 1216.

He is accused of exceeding his father Henry II. in lust, a *M. Paris*, failing which princes are seldom very reproachfully taxed *Hemingf.* with, unless there is a settled design to defame them for other reasons. It cannot be denied that the monks have endeavoured to paint king John in the blackest colours, in order to excuse the pope's proceedings against him. This evidently appears in the calumny cast on his memory, of sending *M. Paris*, ambassadors to the miramolin of Africa, with an offer of his kingdom, and a promise to embrace the Mahometan religion, which is altogether improbable. However, as unlikely as this charge is, there are modern historians who scruple not to vent it for truth, in a belief that Matthew *Paris* <sup>a</sup>, who wrote in the reign of Henry III. son of John, would not have ventured to advance it, had it been groundless. But this argument seems of little weight, since that historian dared to speak in very disrespectful terms of Henry III. himself, without any dread of his resentment, from which perhaps he was screened when he wrote. Add to this, that in those days, books were not immediately dispersed, but remained many times a long while concealed in the monasteries before they were published.

John was always unfortunate, and if we may believe the historians, always hated by his subjects. One cannot however reconcile this constant hatred of the English, with the great ease wherewith he levied armies, even whilst he was under the sentence of excommunication. We must therefore distinguish two periods in this prince's reign. The first includes the time from his coronation to his resignation of the crown to the pope. During this space, if he was not in great esteem, at least it does not appear he was so odious as his conduct afterwards rendered him. The second period begins at his resignation and ends with his life. It cannot be denied, that, during this period, his subjects had a strong aversion to him. And yet, if his government be considered

<sup>a</sup> He not only gives the names of the ambassadors, viz. Thomas Hardington, and Ralph Fitznicholas, knights, with Robert of London, a priest, but also describes at large the manner of the audience, and their conversation with the black king, and how he despised the king their master for his meanness of spirit, and dismissed them with contempt. It is likewise recorded of king John,

that he should say some time after he had made his peace with Innocent, that nothing had prospered with him since he was reconciled to God and the pope. Again, having been a hunting, at the opening of the buck, it is affirmed he should say, see how fat that deer is, and yet I dare swear he never heard mass. See *M. Paris*, p. 243, 245, 252.

1216.

separately from his personal qualities, it may be said to be none of the worst. He was the first or chiefest that appointed those excellent forms of civil government in London<sup>o</sup>, and most other cities of the kingdom. According to Camden and others, John was the first that coined sterling money. The ceremonies observed in the creation of earls, had him for their author. In fine, he established the English laws in Ireland, and gave the cinque-ports the privileges they enjoy at this day<sup>p</sup>.

Knighton,  
P. 2424.

His wives  
and issue.

John had no issue by his two wives. Isabella of Angoulême, his third wife, brought him two sons and three daughters. Henry succeeded him. Richard was earl of Cornwall and afterwards chosen king of the Romans. Of his three daughters, Joanna was married to Alexander II. king of Scotland, Eleanor was married first to William Marshal, earl of Pembroke, and after his death to Simon de Montfort, earl of Leicester. The emperor Frederick II. espoused the third, whose name was Isabella<sup>q</sup>.

Remarkable  
events a-  
broad.  
M. Paris,  
P. 240.

The most remarkable foreign events during this reign, were the taking of Constantinople by the arms of the French

<sup>o</sup> King John, in the year 1208, by his letters patents, granted the citizens of London liberty and authority yearly to choose themselves a mayor, which office before continued during life. He also gave them leave to choose a common-council of the most substantial citizens; and to elect and deprive their sheriffs at pleasure. See Stow's survey, b. V. p. 107.

<sup>p</sup> On consideration that they obliged themselves, and their heirs, to provide the king upon reasonable summons, fourscore able vessels at their own charges, for the space of forty days, and after that to receive wages of the king. Knighton.

<sup>q</sup> King John's natural issue were: I. Richard, who married Rohesia, heir of Fulbert de Dover, who built Chilham castle in Kent; by her he had Lora (wife of William Marmion, from whom are descended the Dimocks of Scivelby in Lincolnshire, the Ferrers of Tamworth and Baddesly, the Willoughby's of Wallaton, and the Aston's of Staffordshire) and Isabella married to David de Strabolgy earl of Athol, who had with her Chilham, whose heirs general were the lord Burgh

and the Zouches of Codnor. II. Geoffrey Fitzroy, who was sent over to Rochelle, and there died. III. Sir John Courcy (as says Robert the monk of Gloucester). IV. Osbert Gifford, to whom his father king John, in the seventeenth year of his reign, commanded the sheriff of Oxfordshire to deliver thirty pounds, the estate of Thomas de Arden in that county. V. Oliver, called Olivarius frater Henrici tertii, in Records of Henry III. He was at the siege of Damietta, with Seher de Quincy earl of Winchester, and William de Albiney earl of Arundel, and others. VI. Joan, wife of Llewellyn the great prince of North-Wales, to whom king John gave with her the lordship of Ellesmere in the marshes of Wales. She had issue by him David (who did homage to Henry III. at Westminster, 1229,) and two daughters Wencelina, wife of sir Reginald de Brewes, and Margaret, wife of John de Brewes, (son of the said Reginald) by whom she had William de Brewes lord of Gower, &c. from whom many noble families are descended. Sandf. p. 37.

and

and Venetians in 1204, and the crusade against the Albigen-  
ses<sup>r</sup>, which gave birth to the inquisition<sup>s</sup>.

1216.

<sup>r</sup> About the year 1160, one Waldo a merchant of Lyons, applying himself to the study of the scriptures, and finding there were no grounds there for several of the Romish doctrines, particularly transubstantiation, publickly opposed them. His followers, from him called Waldenses, being chased from Lyons, spread over Dauphine and Provence. Upon which Philip Augustus is said, in order to stop their growth, to have razed three hundred gentlemen's seats, and destroyed several walled towns. But this instead of decreasing their numbers, made them overspread a great part of Europe, and multiply so fast, that in less than an hundred years after Waldo, in the small bishoprick of Passau alone, there were above eighty thousand. It appears from the articles of their faith, which they drew up and dedicated to the king of France, that they agreed in most points with the present protestants. In 1200, those people in the province of Albigeois in Languedoc, from whence they were called Albigenes, stood upon their defence. Upon which Philip Augustus warring against them, drove them into Bohemia and Savoy, and several fled into England. The crusade against them is said to consist of five hundred thousand men, who wore their crosses on their breasts, in order to distinguish themselves from those that went to the Holy Land, who wore them on their shoulders.

<sup>s</sup> Pope Gregory IX. was the first that set on foot this horrid tribunal, and established it at Tholouse, where it was soon pulled down for its cruelties. Italy and Spain embraced it, but Charles V. endeavouring to set it up in the Low-countries, lost those provinces by it. This court is in the hands of the Dominicans, and takes cognizance of heresy, judaism, &c. The delinquents are imprisoned in dungeons, and never see the light till they accuse themselves and their accomplices, for they never know or are confronted with their accusers. The congregation of the inquisition was established by Paul III. and confirmed by Sextus V. It consists of twelve cardinals, and abundance of

prelates and divines. The cardinals are inquisitors general, and depute substitutes in the provinces. See Relig. Customs.

I. Having spoken of the revenue arising from aids, I proceed to scutages and tallages. Eskuage or scutage, was a duty or service, arising out of baronies and knights fees. It denoted servitium scuti, the service of the shield; and was wont to be rendered thus, viz. for every knight's fee, the service of one knight; for every half fee, the service of half a knight; and so in proportion. Baronies were charged after the like manner, according to the number of the knights fees, whereof the barony by its original enfeoffment, did consist. This service of scutage was performed, either personally in the king's army, or else by pecuniary commutation. Indeed the word scutagium, in an extensive sense, did anciently signify any payment, assessed upon knights fees; whether for the king's army, or not. But here, it will be considered only as a duty, arising out of baronies and knights fees, for the service of the king's army. The ancient way of charging or answering it was, so much de scutagio Wallie, &c. or pro militibus, for his knight's fees, or de exercitu Wallie, &c. These eskuages, pro exercitu, were wont to be paid by the king's tenants in capite, by knight's service. Tenant in capite signifies immediate tenant. And here it may be observed, that a man might hold of the king in capite, either by barony, or by knight's service, or by serjeanty, or by socage, or by fee-farm; consequently it is a mistake, that some great men have been guilty of, that a baron, and a tenant in capite, was all one. For though every baron, properly so called, was a tenant in capite, yet every tenant in capite, (there being some of half, or quarter, or a tenth part of a knight's fee,) was not a baron. The phrase in capite, was commonly used to signify immediate. Alexander de Swerford, whilst he resided at the exchequer, collected out of the revenue rolls of the pipe, many memorials concerning

the scutages, assessed in the reigns of Henry II. Richard I. and John; till the fifteenth of Henry III. these he put together in the red book. He could it seems give no account of scutages, older than Henry II. though it is more than probable, there were scutages in the time of Henry I. The annual rolls of his reign are lost, the first scutage (says Alexander) was assessed 2 Henry II. for the army of Wales, twenty shillings for every knight's fee, and was assessed only upon those prelates who were bound to military services. The second scutage, (says he) was for the same 5 Hen. II. but assessed not only upon the prelates, but others according to the number of their fees: this scutage is entitled, *de done*. And here he observes, that the donum of the prelates make a sum answerable to the number of fees, held of the king in capite; and therefore by him supposed to be a real scutage. This was two marks per fee. In the 18th of Hen. II. the escuage of Ireland come to be put in charge. To this escuage, several persons are charged, under this title, *de scutagio militum qui nec abierunt*, &c. i. e. the escuage of knights, who did not go into Ireland, nor send thither any knights or money. It has been before observed, (in the last coin note,) that charters or certificates of knight's fees were sent in, when aid for marrying Henry II's daughter was levied; and it seems that in ancient times whenever scutages were to be levied, the barons and tenants in capite, did send in certificates of their respective fees, either totius quoties, or at least most usually. This appears by the red book of the exchequer, and *testa de Nevil*. The reader may see the certificate of Robert de Beauchamp of Hacche, for his barony, in Maddox's *formulare*. No 11. As escuage was rendered for fees holden of the king in capite, by knight's service, *ut de corona*, so it was rendered for fees holden of honours and escheats, which were in the king's hands, and for fees holden of the lands purchased by the king, and for fees holden of the king's wards. For the tenants holding of the king's wardships and escheats, were immediate tenants of the king, whilst they rested in him. It is to be understood, that, in general,

escuage was paid according to the sum that was assessed; suppose, at the rate of one, two, or three marks, for each fee. Nevertheless, many doubts arose about the payment of it. Sometimes the service due from a tenant by knights service, was uncertain; that is, it was sometimes doubtful, of how many knight's fees a man or his ancestor was enfeoffed, consequently what sum he was to pay for escuage. This frequently happened in the case of ecclesiastical persons, by reason of the antiquity of their endowments, so that the form of their enfeoffment, could not be easily known in succeeding times, and because it was many times doubtful, whether they held some of their lands by barony and military service, or in *frankalmoigne*. Again, in the case of other persons, some honours or baronies consisted of more knight's fees than others did, and some fees were much larger than others; inasmuch that it was doubtful, whether a man held by barony or by knight's service, whether by the service of one knight's fee, or of more, or of how many knight's fees. On the other hand, some knight's fees were remarkably small, such for instance, were the fees of the honour of Moreton, which were called *parva feoda Moritonie*, and paid less escuage, than the generality of other fees, about a third part less. As escuage was paid out of knight's fees; so there were also some serjeanties paid the same. Perhaps those serjeanties were holden by military tenure. For sometimes knight's service was annexed to a serjeanty; that is, lands were holden both by serjeanty, and the service of a knight's fee, or part of a knight's fee. And if the tenure, (either in whole or in part,) was knight's service, the tenant paid escuage. But land holden by serjeanty only, paid no escuage. Escuage money was in lieu of personal service. And therefore, the barons and knights were commonly charged with escuage, or fines for escuage, under the terms, *pro exercitu*, *de his qui non abierunt cum rege nec denarios nec milites pro se miserunt*, *fines pro passagio*, or the like. But it is to be understood, that personal service was required most strictly, if not solely, of the tenants holding by knight's service in capite *ut de corona*. For if a man held

held his land of the king by knight's service, as of an honour, then in the king's hands, and not of the crown, such tenant was not indispensably obliged to do personal service in the king's army, but was to pay the king escuage, when it was assailed: at least, this was alleged to be the usage in the reign of Edward II. When the king went forth with his army, he was wont to summon his barons and tenants in capite by knight service, to be ready to do their service in his army, according to the number of their fees, and quantity of their tenure. This was called *summonce ad habendum servitium*. This *summonce* ran thus: "*Vicemcomiti*" "*lancie salutem. Præcipimus tibi*" "*quod sine dilatione summoneri facias*" "*per totam ballivam tuam, archiepiscopos, episcopos, abbates, priores,*" "*canonices, barones, milites, & libere*" "*tenentes & omnes alios qui servitium*" "*nobis debent five servitium militare*" "*vel serjeantie: quodque similiter clama-*" "*ri facias per totam ballivam tuam*" "*quod sint apud Wigorniam in crastino*" "*S. Trinitatis, anno regni nostri*" "*septimo, omni dilatione & occasione*" "*postpositis, cum toto hujusmodi ser-*" "*vitio quod nobis debent, parati cum*" "*equis & armis ad eundem in servitium*" "*nostrum quo eis præceperimus. T.*" "*H. &c. apud Westmon. 25. dei*" "*Martii.*" Eodem modo scribitur omnibus *vicemcomitibus*. Cl. 7. Hen. III. m. 10. dorso. When a man was to prove that he had done his service in the king's army, he commonly made his proof by certificate or testimony of the commander in chief, or of the constable, marshal, or their lieutenant, or by the rolls of the marshalsea of the army. If the barons and knights holding in capite, did not go in person with the king in his army, they sometimes sent knights in their stead, and sometimes made fine with the king, *ne transirent, or pro remanendo ab exercitu, or quia non abierunt cum rege, &c.* When king Edward II. summoned his army to march into Scotland, he commanded the treasurer and barons of the exchequer to accept of fines at the rate of forty pounds for each knight's fee, to be paid by archbishops, bishops, the religious, widows, and other women who owed service, and

were desirous to make fines, for the same. 15. Ed. II. Rot. 65. Sometimes the barons and tenants by knight's service were amerced for not sending their knights to serve for them in the king's army. When they did actual service with their knights for 60 many fees as they were answerable for, or sent knights in their stead, or made fine for the same, they were wont to be acquitted of escuage. Escuage was not chargeable upon lands holden in *frankalmoigne* of royal foundation. If a subject gave land to a religious house in *frankalmoigne*, such land was not to be distrained for escuage, as long as the donor or his heirs had other lands in the same county on which the escuage might be levied. Again, lands holden purely in socage paid not escuage, neither was it paid by persons to whom the king by charter granted freedom from escuage. As the lord who held of the king in capite by knight's service, paid escuage to the king for his knight's fee; so the tenants of such lord, who held the same fees, by knight's service, paid escuage for the same to their lord, according to the quantity of their tenure; and then the lord was said, *habere scutagia sua*, to have his escuage, to wit, of his tenants. The tenants paid escuage to their lord, to enable him to pay his escuage to the king, or reimburse him when he had paid it. When the lord holding in capite did personal service in the king's army, or paid or became duly charged with his escuage to the king, he was entitled to have escuage of his tenants, for the fees which they held of him, and which he held of the king in capite. In this case, the lord might *justiciare tenentes suos*, compel them by distress to pay him escuage: or if he could not compel them himself, he often had a writ of aid directed to the sheriff to assist him. But sometimes the lord was forced to make fine with the king, *pro habendo scutagio suo*, to have his scutage. In short, it seems that escuage was due to the lord from lands which were holden by knight's service, *ab antiquo*, but not from lands holden by knight's service newly created. For where a manor passed by grant from the king, with the tenure of knight's service annexed to it, the lord could not

not have escheage of the tenants of that manor, if the tenants were not wont to do any military service to the king, whilst the manor was vested in the king. In elder times, in case the lord was entitled to receive escheage of his tenants, such escheage was usually collected by the lord, per manum suam, who used to justify or distrain his tenants to pay it. Whether it was all along necessary for the lord to have the king's leave to collect his escheage per manum suam or no, such leave was sometimes granted by the king to particular lords. But as, in process of time, it was very often doubtful, whether lands were holden by knight's service or other tenure; or if holden by knight's service, whether they were holden immediately of the king or some other lord, or by how many knight's fees they were holden, or the like: I say, for these and other causes, it became almost necessary that escheage should be collected by the sheriffs of counties, who might take inquisition by the oath of jurors, concerning these and the like articles. In the 19th of Henry III. the earls, barons, and all others of the realm, granted to the king an efficax auxilium, (called in the writ a *scutage*) viz. two marks of every knight's fee holden in capite, and of his wards: hereupon, the sheriff of Somersetshire was ordered by writ, that at the instance of the earls, &c. he should distrain all the knights and freeholders who held of them by knight's service, to pay the said two marks per fee. To conclude, several particulars relating to the manner of collecting the king's escheage, may be observed from a commission (in the 10 Edw. II.) made to certain persons. These commissioners were appointed to levy the escheages of the armies of Scotland of the 28th, 31st, and 34th years of Edward I. within the county of York, at the rate of forty shillings per fee. In order thereto, they were to enquire by oath of lawful men of the county, what fees were held in capite of the king, at the time of those armies; and what of escheats, honours, and purchases; what heirs were under age, and in custody of king Edward I.; and what archbishops, bishops, abbots, priors, and other ecclesiastical dignities, or offices,

then void, the temporalities whereof did belong to the king; and who held the knight's fees belonging to such heirs, archbishops, &c. and for what portion of a knight's fee each one held and where. And the sheriff was commanded to summon lawful men to appear before the commissioners, to make inquisition touching the matters aforesaid. And the commissioners were to amerce severely such as they should find rebellious or disobedient. From what has been said it appears, that lord chief justice Coke was mistaken in speaking of escheage as if it was a tenure. His words are: "Every tenure by escheage is a tenure by knight's service; but every tenure that holds by knight's service holdeth not by escheage. For he that holdeth by castle-guard or homage, holdeth by knight's service, and yet he shall pay no escheage, because he holdeth not to go to war," Coke Cppm. p. 69. But the reason (as Mr. Maddox observes) why escheage was not paid by those that held by castle-guard, was, because when a military tenant did actual service in an army, or in a castle, then he paid no escheage. So that Littleton's words, *quo tunc facit terre per escheage*, are to be understood as if he had said, *per le service de escheage*. Having thus largely treated of escheage, before I proceed to tallage, I will conclude this note with briefly speaking of *danegelt*, which was different from either aid, escheage, or tallage. It was first set on foot in the Anglo-Saxon times: however, it continued many years after the conquest. In the reign of Henry I. in the year 1114, it was paid throughout the kingdom. And in Stephen's, it is accounted for in every county, as if it were a settled yearly revenue; that is to say, in the like words which were then wont to be used in accounting for the yearly revenue. *Danegeldum novum* for the first year, *præteritum danegeldum* for the preceding year, and *vetus danegeldum* for the third preceding year: however, it is not certain that *danegelt* was a settled yearly revenue. The famous author of the dialogue concerning the exchequer seems to have thought it a yearly revenue before, but not after the con-



conquest. It may be traced by the rolls to the reign of king Henry II. but it does not appear, that danegelt was paid in the latter part of Henry III's reign, nor in those of Richard I. and John. In all or most of the accounts of danegelt in 2 Henry II. there is a large deduction made, under the terms in waste, which is supposed to be by reason of the realm being so wasted by the long intestine wars between Stephen and Maud.

Hence it should seem that danegelt was a sort of hidage, or a revenue arising from lands as divided or measured by hides. Again, it seems that danegelt was charged upon land, because it is paid by the men of the counties only, the cities and towns answering at the same time under the name of an auxilium or donum, tallage and custom will be the subject of the next coin note.



King John, in his coins, gives his face full, in a triangle, with a scepter in his right hand, inscribed JOHANNES REX. On the reverse, another triangle, with a half moon and a star, and this inscription: ROBERT. ON. DUX, which last words show the money was coined at Dublin or Divilin. This king was the first that had the title of dominus Hiberniæ, or lord

of Ireland; accordingly he is styled on his great seal, JOHANNES DEI GRATIA REX ANGLIÆ DOMINUS HIBERNIÆ; and on the counter seal, JOHANNES DUX NORMANNIÆ ET AQUITANIÆ COMES ANDEGAVIÆ. It is observable, that all the pennies that have the head in a triangle were Irish coins. The Irish harp was anciently of that shape.

*As a preface to the charters of the Norman kings, it may not be amiss to prefix an account of the principal alterations that have happened to the ancient Latin tongue, and of the rise and progress of the lingua Romana, which was introduced in its room.*

UPON the declension of the Roman empire, the language of several of the European countries by wars and migration of nations received a great alteration, particularly in Italy, France, and Spain, where the Latin tongue was once planted, and by the corruption of which, in process of time, three several languages (Italian, French, and Spanish) resembling, yet differing from, each other were formed. When the Barbarick nations came to spread themselves over Europe, these three languages, to distinguish them from the Barbarick, were called lingua Romana, Romanica, or Romanesca, and they that used them were sometimes styled Romani. Under the lingua Romana, taken extensively, may be comprehended as well that part of the French (for example) or Gallick language, which was evidently, as also that which was not so evidently, derived from the Latin, provided it was not of Teudiscan original, though in after ages even some Teudiscan words were assumed into it, as Seneschallus, Marecallus, &c. The like may be said of the Italic lingua Romana, with respect to the Gothick or Longobardick. This distinction is very antient, for when Lewis and Charles, sons of Lewis the pious, divided their father's empire, Lewis swore to the agreement in the Gallick lingua Romana and Charles in the Teudiscan. At the same time the subjects of each prince were sworn in their proper language <sup>a</sup>.

The oath of Lewis's subjects ran thus:

• Si Lodhuvig's sacrament que son fradie Karlo jurat conservat, & Karlus meos sendra de suo part non lo stanit, si io returnar non lint pois, ne io ne veuls cui eo returnar int pois, in nulla ejudha contra Lodhuvig li iver.

In Latin thus: Si Lodhuvicus sacramentum quod fratri Karlo juravit conservat, & Karlus meus senior [dominus] ex sua parte non illud tenet, si ego avertere non eum inde possum, nec ego nec alius quispiam eum avertere inde potest, in nullo adjutorio contra Lodhovicum non cum eo ibo.

This

This was the *lingua Romana* of France, Specimens of the ancient *lingua Romana* of Italy and Spain are very rare. It was peculiar to the Spanish *lingua Romana*, that besides the Gothick, it had a great deal of the Moorish mixed with it. The Castilian, or genuine language of Spain is even at this day called by the Spaniards, Romance, in opposition chiefly to the Moorish. The *lingua Romana* having thus prevailed in France, Italy, and Spain, the inhabitants, when they wrote in Latin, formed many Latin words out of their own Romanick language, which were used in the distorted sense they bore in that language; so that to understand their sense and meaning, they must not be reduced directly to the ancient Latin, but to the Romanick or bastard Latin, from which they received the signification they are used in by the Romanick writers. This may be illustrated by the following examples.

| In Latin.                    | In Romanick.                                   |
|------------------------------|------------------------------------------------|
| Gens, a nation or family.    | Men, or folks.                                 |
| Senior, elder.               | Lord, or superior.                             |
| Fidelis, faithful.           | Liege-man, or one that owes fealty.            |
| Homo, a man.                 | A homager, or man that owes fealty or service. |
| Consuetudo, custom or usage. | Duties, presentations or payments.             |
| Comes, a companion.          | An earl or count.                              |
| Villanus, a villager.        | A villain, or base person.                     |
| Parentes, parents.           | Kinsfolk, or relations.                        |
| Mandatum, a command.         | A message.                                     |
| Quietus, quiet or at rest.   | Quit, free, or discharged.                     |
| Directum, direct or strait.  | Droit, law, or legal right.                    |
| Tenere, to hold or keep.     | To hold in vassalage, or demean.               |
| Ingenium, wit.               | Unfair device, engin.                          |
| Pietas, piety.               | Mercy, or pity.                                |
| Probitas, probity.           | Prowess.                                       |
| Charta, paper.               | Charter, instrument, diploma, deed.            |

To these may be added many more words derived from Latin, but impressed with a new Romanick stamp. Such as *advocatus-atio*, avoue, *avocato*, *abogado*: *rendum*, rent, *rendita*, renta: *medietas*, medium, meite, moite, meta, mitad: *diffidare-atus*, deffire, *diffidare*, *sfidare*: data, done, dada:

## THE HISTORY

dada : divisa-se : curia, curtis, curte, cour, curia, corte : excidere, exci-exca-dentia, escheoir, escheute, exchaetta, caducita, dominium, domanium, demanium, domaine, dominio : miles, militaris, militia (knighthood) : caballus, cheval, cavallo, chivaler, cavalliero, cavallero (knight) : foras, fori, fuori fucra, foris meum fragile : foris factum-ura, forsaict, intendere, entendre dement, interdere dimento, entender-dimientio : sapere, savor, savoir, sâpère, savor, saputo, favi-do : ante, en avant, en avanti, innanzi, in antea, da aqui adelante : cognitiones, cognisances : ligeus, ligeantia, ligantia : arreragium, vassallus, maritagium, and infinite others which appear in the language of the middle and lower ages. Others there are that are not, or at least not so evidently derived from the Latin, as spata, tallia, francus, franchesia, bailium, bailivus, catallum, bannum, bannitus, cofamentum (marriage) selo, feloniam, siniscalcui, mariscalcui, baro (a noble baron) baronia, custuma, plata, guardia, guerra, garcio, palefridui, warrentum, &c.

It would be difficult to fix the exact time and manner of the settlement of the lingua Romana, taken extensively, or in each country apart. In France this dialect soon appeared after the reign of Charles the great. It came from France into England. The Normans receiving it from the French and the English from the Normans. The entrance of it into England may be dated from the time of Edward the confessor, who had resided in Normandy, and also in the court of France. But it was not generally received and used by the English till after the Norman conquest. As for the word charta, which in Latin signifies paper, in the Romanick language it stands for charter, instrument, or diploma. The charters of the Roman emperors were commonly called mandatum, rescriptum, imperiale, divinum, regium, divale : literæ imperiales, sacra jussio, diploma, &c. The charters or instruments of private men, libellus, literæ, epistola, syngrapha, chirographum ; most usually libellus, as libellus mutui, venditionis, ratihabitionis, &c. Afterwards in the days of the Longobardick, Franick, and Alemannick kings, the word charta came into use, and in time was so generally received, that it seems to have supplied the place of libellus itself. In short, though charta is a true Latin word, it was not used currently for a diploma, deed, or instrument till the Romanick ages. Since which it has always been used in that sense by notaries, diplomatists and formularians. The Anglo-Saxons had no words answering to the Latin words charta, or chartula, as the French, Spaniards,

niards, and Italians had. In Anglo-Saxon, an instrument, deed, or writing was usually called boc, landboc, gewrit, names very different from Latin and Romanick. In the Anglo-Norman times, charta succeeded in the room of boc and landboc; and breve, scriptum, or rescriptum, in the room of gewrit.

It is to be observed, that in magna charta, or the great charter of liberties as well as in the others, though the words dedimus and concessimus are used, they do not mean that the king has given or granted any new liberty, but only confirmed the old privileges, rights, and customs of the kingdom, as is evident from numberless places in the charters. Hence the mistake of those who have imagined from these expressions, that the liberties of the people are only concessions of the sovereign. Madox hist. Exch.

From what has been said, it appears I. That out of the ancient Latin were formed the Italian, French, and Spanish tongues. II. That these after the spreading of the barbarous nations in Europe were called lingua Romana, to distinguish it from the Barbarick. III. That when the inhabitants of Italy, Spain, and France came to write in Latin, they used words in the same sense they bore in the Romanick. IV. That therefore to understand their meaning, recourse must be had not to the Latin but to the Romanick. V. That this dialect was settled in England after the Norman conquest. VI. That charta, though a true Latin word, signifying paper, was used in a Romanick sense for deed, instrument, diploma. VII. That charter succeeded to the Anglo-Saxon boc, landboc, gewrit. And though charta occurs in some Latin Anglo-Saxon donations, they are either spurious or translations. VIII. That after the conquest, charter was used for all royal donations, grants, or concessions. Lastly, that the words give and grant in charters, do not always imply new concessions, but only a confirmation or revival of ancient immunities.

*\* Charta regis WILLIELMI conquistoris.*

**WILLIELMUS** rex Anglorum, dux Normannorum, omnibus hominibus suis Francis & Anglis, salutem.

**De religione & pace publica.**

I. Statuimus imprimis super omnia, unum Deum per totum regnum nostrum venerari, unam fidem Christi semper inviolatam custodiri, pacem, & securitatem & concordiam, iudicium & iustitiam inter Anglos & Normannos, Francos & Britones Walliæ & Cornubiæ, Pictos, & Scotos Albaniam, similiter inter Francos & insulanos, provincias & patrias, quæ pertinent ad coronam & dignitatem, defensionem & observationem & honorem regni nostri, & inter omnes nobis subiectos per universam monarchiam regni Britanniam firmiter & inviolabiliter observari. Ita quod nullus alii forisfaciat in ullo super forisfacturam nostram plenam.

**De fide & obsequio erga regem.**

II. Statuimus etiam ut omnes liberi homines fœdera & sacramento affirmant, quod intra & extra universum regnum Angliæ (quod olim vocabatur regnum Britanniam) Willielmo regi domino suo fideles esse volunt, terras & honores illius omni fidelitate ubique servare cum eo, & contra inimicos & alienigenas defendere.

**De Normanni seu Francigenæ cæde.**

III. Volumus autem & firmiter præcipimus, ut omnes homines, quos nobiscum adduximus, aut post nos venerint, sint sub protectione & in pace nostra per universum regnum prædictum; & si quis de illis occisus fuerit, dominus ejus habeat intra V. dies homicidam ejus si poterit; sin autem, incipiat persolvere nobis XLVI marcas argenti, quamdiu substantia domini illius perduraverit: ubi vero substantia domini defecerit, totus hundredus in quo occisio facta est, communiter solvat quod remanet.

\* Printed in Mr. Lambard's *Archæonoma*, and in Sir Roger Twissden's edition of the same work, from the

ancient manuscript copy in the red book in the exchequer.

De jure Normannorum qui ante adventum regis  
Gulielmi cives fuerant Anglicani.

IV. Et omnis Francigena, qui tempore Edwardi propin-  
qui nostri fuit in Anglia particeps consuetudinum Anglorum,  
quod ipsi dicunt <sup>b</sup> Anhlote & Anfcote, persolvat secundam  
legem Anglorum.

De clientelari seu feudorum jure, & ingenuorum  
immunitate.

V. Volumus etiam ac firmiter præcipimus & concedimus,  
ut omnes liberi homines totius monarchiæ regni nostri præ-  
dicti, habeant & teneant terras suas & possessiones suas bene  
& in pace, libere ab omni exactione injusta, & ab omni  
tallagio, ita quod nichil ab eis exigatur vel capiatur, nisi  
servicium suum liberum, quod de jure nobis facere debent &  
facere tenentur; & prout statutum est eis & illis a nobis da-  
tum & concessum jure hæreditario imperpetuum, per com-  
mune concilium totius regni nostri prædicti.

De nocturnis custodiis.

VI. Statuimus etiam & firmiter præcipimus, ut omnes  
civitates & burgi & castella & hundredi & wapentachia to-  
tius regni nostri prædicti, singulis noctibus vigilentur & cus-  
todiantur in gyrum, pro maleficis & inimicis, prout vice-  
comes & aldermanni, & præpositi & cæteri ballivi & mini-  
stri nostri melius, per commune consilium ad utilitatem reg-  
ni, providebunt.

De mensuris & ponderibus.

VII. Et quod habeant per univcrsum regnum mensuras fi-  
delissimas & signatas, & pondera fidelissima & signata, sicut  
boni prædecessores statuerunt.

De clientum seu vassallorum præstationibus.

VIII. Statuimus etiam & firmiter præcipimus, ut omnes  
comites & barones, milites, & servientes, & universi liberi  
homines totius regni nostri prædicti, habeant & teneant se

<sup>b</sup> i. e. Payment of foot and lot.

semper bene in armis & in equis, ut decet & oportet, & quod sint semper prompti & bene parati ad servitium suum integrum nobis explendum & peragendum, cum semper opus adfuerit, secundum quod nobis debent de feodis & tenementis suis, de jure facere, & sicut illis statuimus, per commune concilium totius regni nostri prædicti, & illis dedimus & concessimus in feodo jure hæreditario; hoc præceptum non sit violatum ullo modo, super forisfacturam nostram plenam.

Ut jura regia illæsa servare pro viribus conentur subditi.

IX. Statuimus etiam & firmiter præcipimus, ut omnes liberi homines totius regni nostri prædicti sint fratres conjurati ad monarchiam nostram & ad regnum nostrum pro viribus suis & facultatibus, contra inimicos pro posse suo defendendum & viriliter servandum, & pacem & dignitatem coronæ nostræ integram observandam, & ad judicium rectum, & justitiam constanter omnibus modis pro posse suo sine dolo & sine dilatione faciendam. [Hoc decretum sancitum est in civitate London.]

Ne venditio & emptio fiat nisi coram testibus & in civitatibus.

X. Interdicimus etiam, ut nulla viva<sup>e</sup> pecuniâ vendatur aut ematur nisi intra civitates, & hoc ante tres fideles testes, nec aliquam rem vetitam, sine fidejussore & warranto: quod si aliter fecerit, solvat & persolvat & postea forisfacturam.

De emporiis & jure urbium, pagorumque notæ melioris.

XI. Item nullum mercatum vel forum sit, nec fieri permittantur, nisi in civitatibus regni nostri, in burgis & miuro vallatis, & in castellis & in locis tutissimis, ubi consuetudines regni nostri & jus nostrum commune & dignitatis coronæ nostræ, quæ constituta sunt a bonis prædecessoribus nostris deperiri non possunt, nec defraudari, nec violari, sed omnia rite & in aperto & per judicium & justitiam fieri debent. Et ideo castella, & burgi & civitates sitæ sunt & fundatæ, & ædificatæ, scilicet, ad tuitionem gentium & populorum reg-



ni, & ad defensionem regni, & idcirco observari debent cum omni libertate & integritate & ratione.

### De purgatione forensi in judiciis publicis.

XII. Decretum est etiam <sup>d</sup> ibi, ut si Francigena appellaverit Anglum de perjurio aut murthero, furto, homicidio, (Ran quod dicunt) apertam rapinam quæ negari non potest, Anglus se defendat per quod melius voluerit, aut judicio ferri, aut duello : si autem Anglus infirmus fuerit, inveniat alium, qui pro eo faciat : si quis eorum victus fuerit, emendet regi XL solid. Si autem Anglus Francigenam appellaverit, & probare voluerit judicio aut duello, volo tunc Francigenam purgare se sacramento, non ferro.

### Firmantur leges Edwardi regis.

XIII. Hoc quoque præcipimus ut omnes habeant & teneant leges Edwardi regis in omnibus rebus, adauctis hiis, quas constituimus ad utilitatem Anglorum.

### De justitiæ publicæ fidejussoribus.

XIV. Omnis homo qui voluerit se teneri pro libero, sit in plegio, ut plegius eam habeat ad justitiam, si quid offenderit, & quisquam evaserit, talium videant plegii, ut solvant, quod calumpniatum est, & purgent se quod in evaso nullam fraudem noverint. Requiritur hundredus & comitatus (sicut antecessores statuerunt) & qui juste venire debent & noluerint, summonentur semel ; & si secundo non venerint, accipiat unus bos ; & si tertio, alius bos ; & si quarto, reddatur de rebus hujus hominis quod calumpniatum est, quod dicitur Ceathgel, & insuper regis forisfactura.

### De servis & eorum manumissione.

XV. Et prohibemus ut nullus vendat hominem extra patriam ; si qui vero velit servum suum liberum facere, tradat eum vicecomiti per manum dextram in pleno comitatu, quietum illum clamare debet a jugo servitutis suæ per manumissionem, & ostendat ei liberas vias & portas, & tradat illi libera arma, scil. lanceam & gladium, deinde liber homo efficitur.

<sup>d</sup> i. e. Londini.

## De servis.

XVI. Item si servi permanſerint ſine calumnia per annum & diem in civitatibus noſtris, vel in burgis muro vallatis, vel in caſtris noſtris, a die illa liberi efficiuntur, & liberi a jugo ſervitutis ſuæ ſint imperpetuum.

## De ſupplicorum modo.

XVII. Interdicimus etiam, ne quis occidatur vel ſuſpendatur pro aliqua culpa, ſed enervantur oculi & abſcidantur pedes, vel teſticuti vel manus, ita quod truncus remaneat vivus in ſignum proditionis & nequitie ſuæ, ſecundum enim quantitatem delicti debet poena maleficis infligi: iſta præcepta non ſint violata ſuper forisfacturam noſtram plenam. Teſtibus, &c.

Alia charta continens institutiones ſive leges regis Willielmi; quæ videntur additiones prioribus\*.

Willielmus Dei gratia, rex Anglorum, omnibus ad quos ſcriptum hoc perveniat, ſalutem & amicitiam, quod mando & præcipio per totam Angliæ nationem cuſtodiri,

## De examine forenſi.

XVIII. Si Anglicus homo compellet aliquem Francigenam per<sup>f</sup> bellum de furto vel homicidio vel aliqua re pro qua bellum fieri debeat, vel judicium inter duos homines, habeat plenam licentiam faciendi. Et ſi Anglicus bellum nolit, Francigena compellatus adlegiet ſe in jurejurando contra eum per ſuos teſtes ſecundum legem Normanniæ.

## De eodem.

XIX. Item ſi Francigena compellat Anglicum per bellum de eiſdem rebus, Anglicus plena licentia defendat ſe per bellum vel per judicium, ſi magis ei placeat. Et ſi untrum ſit, (id eſt invalidus) & nolit bellum vel non poſſet, quærat ſibi legaleſ defenſorem.

\* Theſe are not in the red book of the exchequer, but to be found in Brompton's chronicle, col. 982. and are alſo in the manuſcript belong-

ing to the dean and chapter of Rocheſter, called Textus Roſſenſis, p. 47.

<sup>f</sup> i. e. Battle, or duel.

## De eodem.

XX. Si Francigena victus fuerit, persolvat regi LX solid. Et si Anglicus nolit se defendere per bellum vel per testimonium, adlegiet semper \* Dei iudicium.

## De examine forensi.

XXI. De omnibus Utlagariæ rebus, rex instituit, ut Anglicus se purget ad iudicium; & si Anglicus appellet Francigenam, de Utlagaria & hoc super eum invenire velit, defendat se Francigena per bellum. Et si Anglicus non audeat eum probare per bellum, defendat se Francigena pleno iuramento, non in verborum observantiis.

*Charta Libertatum regis HENRICI primi.*

**H**ENRICUS Dei gratia, rex Angliæ, &c. Hugoni de M. Paris Boclande vicecomiti & omnibus fidelibus suis tam Francis quam Anglicis in Herefordsyre salutem. Sciatis me Dei misericordia & communi consilio baronum regni Angliæ regem esse coronatum. P. 55.

I. Et quia regnum oppressum erat injustis exactionibus, ego respectu Dei, & amore quem erga vos omnes habeo, sanctam Dei ecclesiam liberam facio, ita quod nec eam vendam nec ad firmam ponam, nec mortuo archiepiscopo vel episcopo, vel abate, aliquid accipiam de dominio ecclesiæ, vel de hominibus, donec successor in eam ingrediatur.

II. Et omnes malas consuetudines, quibus regnum Angliæ injuste opprimebatur, inde aufexo, quas malas consuetudines in parte hic pono.

III. Siquis baronum meorum, comitum, vel aliorum, qui de me tenent, mortuus fuerit, hæres suus non redimet terram suam, sicut facere consueverat tempore patris mei, sed iusta & legitima relevatione relevabit eam: similiter & homines baronum meorum legitima & iusta relevatione relevabunt terras suas de dominis suis.

s i. e. Ordeal.

I i 2

h i. e. Tenentes.

IV. Et

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IV. Et si quis baronum vel aliorum hominum meorum, filiam suam tradere voluerit, sive sororem, sive neptem, sive cognatam, mecum inde loquatur, sed neque ego aliquid de suo pro hac licentia accipiam, neque defendam ei, quin eam det, excepto si eam dare voluerit inimico meo.

V. Et si mortuo barone vel alio homine meo, filia hæres remanserit, dabo illam cum consilio baronum meorum cum terra sua.

VI. Et si mortuo marito, uxor ejus remanserit, & sine liberis fuerit, dotem suam, & maritagium habebit, & eam non dabo marito, nisi secundum velle suum. Si vero uxor cum liberis remanserit, dotem suam & maritagium habebit, dum corpus suum legitime servabit; & eam non dabo nisi secundum velle suum, & terræ liberorum custos erit sive uxor, sive alius propinquior, qui justus esse debet: & præcipio, ut homines mei similiter se contineant erga filios & filias & uxores, hominum suorum.

VII. Monetarium commune, quod capiebatur per civitates vel comitatus, quod non fuit tempore Edwardi regis, hoc ne amodo fiat omnino defendo.

VIII. Si quis captus fuerit sive monetarius sive alius cum falsa moneta, justitia recta inde fiat.

IX. Omnia placita & omnia debita, quæ regi fratri meo debebantur, condono, exceptis firmis meis, & exceptis illis, quæ pacta erant pro aliorum hæreditatibus, vel pro illis rebus, quæ justius alios contingebant. Et si quis aliquid pro hæreditate sua pepigerat, illud condono & omnes relevationes, quæ pro rectis hæreditatibus pactæ erant.

X. Et si quis baronum vel hominum meorum infirmabitur, sicut ipse dabit vel dare disposuerit, pecuniam suam: ita datum esse concedo.

XI. Quod si ipse præventus, vel armis, vel infirmitate, pecuniam suam nec dederit, nec dare disposuerit, uxor sua, sive liberi aut parentes, & legitimi homines sui, pro anima ejus eam dividant: sicut eis melius visum fuerit.

XII. Si quis baronum vel hominum meorum forisfecerit, non dabit vadium in miseria pecuniæ suæ, sicut faciebat tempore

patris, vel fratris mei, sed secundum forisfacturæ modum : nec ita emendabit sicut emendasset retro tempore patris mei vel fratris.

XIII. Quod si perfidiæ vel sceleris convictus fuerit, sicut culpa, sic emendet.

XIV. Mordra etiam retro ab illa die, qua in regem coronatus sum, omnia condono, & ea quæ amodo facta fuerint, iuste emendentur secundum legem regis Edwardi.

XV. Forestas communi consilio baronum meorum in manu mea, ita retinui, sicut pater meus eas habuit.

XVI. Militibus, qui per loricas terras suas defendunt, terras dominicarum carucarum suarum quietas ab omnibus geldis & omni proprio, dono meo concedo ; ut sicut tam magno gravamine alleviati sunt, ita equis & armis bene se instruant, ut apti & parati sint ad servitium meum, & ad defensionem regni mei.

XVII. Pacem firmam pono in toto regno meo, & teneri amodo præcipio. Legem regis Edwardi vobis reddo, cum illis emendationibus, quibus pater meus eam emendavit, consilio baronum suorum.

XVIII. Si quis aliquid de modo, vel de rebus alicujus post obitum regis Willielmi fratris mei cepit, totum cito reddatur absque emendatione ; & si quis inde aliquid retinuerit, ille super quem inventum fuerit, graviter mihi emendabit.

His testibus Mauricio Londoniensi episcopo, Willielmo Wintoniensi electo, Girardo Herefordensi episcopo, Henrico comite, Simone comite, Waltero Giffard comite, Roberto de Monte forti, Rogero Bigod, & aliis multis.

### *Charta regis STEPHANI.*

I. **E**GO Stephanus Dei gratia, assensu cleri & populi in regem Angliæ electus, & a domino Willielmo archiepiscopo Cantuariæ & sanctæ ecclesiæ Romanæ legato consecratus, & ab Innocentio sanctæ sedis Romanæ pontifice postmodum confirmatus, respectu & amore Dei sanctam eccle-

3.  
W. Malmsh.  
de gest. reg.  
p. 179.

## THE HISTORY

siam liberam esse concedo, & debitam reverentiam illi confirmo.

II. Nihil me in ecclesia, vel in rebus ecclesiasticis symoniace acturum, vel permixturum esse promitto.

III. Ecclesiasticarum personarum & omnium clericorum, & rerum eorum justitiam & potestatem & distributionem bonorum ecclesiasticorum manu episcoporum esse, prohibeo & confirmo.

IV. Dignitates ecclesiarum, privilegiis earum confirmatas, & consuetudines earum antiquo tenore habitas, inviolate manere concedo & statuo.

V. Omnes ecclesiarum possessiones, & tenuras, quas die illa habuerant, qua Willielmus rex avus meus fuit vivus & mortuus, sine omnium calumniantium reclamazione eis liberis & absolutas esse concedo.

VI. Si quid vero de habitis aut possessis ante mortem regis, quibus modo careat ecclesia, deinceps repeteret, indulgentiæ & dispensationi meæ vel discutendum, vel restituendum reservo.

VII. Quæcunque vero post mortem regis liberalitate regum, largitione principum, oblatione, vel comparatione, vel qualibet transmutatione fidelum collata sunt confirmo.

VIII. Pacem meam & justitiam in omnibus facturum & pro posse meo conservaturum promitto.

IX. Forestas quas Willielmus rex avus meus, & Willielmus avunculus meus instituerunt & tenuerunt, mihi reservo. Cæteras omnes, quas Henricus rex superaddidit, ecclesiis & regno quietas reddo & concedo.

X. Si quis autem episcopus vel abbas, vel alia ecclesiastica persona ante mortem suam rationabiliter sua distribuerit, vel distribuenda statuerit, firmum manere concedo.

XI. Si vero morte præoccupatus fuerit, pro salute animæ ejus, ecclesiæ consilio eadem fiat distributio.

XII.

XII. Dum vero sedes propriis fuerint pastoribus vacuæ, & ipsæ, & omnes earum possessiones, in manu & custodia clericorum vel proborum hominum, ejusdem ecclesiæ committantur, donec pastor canonice substituat.

XIII. Omnes exactiones & mescheningas, & injustitias, sive per vicecomites, vel per alios quoslibet male inductas, funditus extirpo. Bonas leges & antiquas & justas consuetudines in murdris, & placitis & aliis causis observabo, & observari præcipio, & constituo: apud Oxeneford anno incarnationis domini 1136, regni mei primo.

*Charta Libertatum ANGLIÆ HENRICI II.*

**H**ENRICUS Dei gratia rex Anglorum, dux Normanniæ & Aquitaniæ, comes Andegaviæ, baronibus & fidelibus suis Francis & Anglicis, salutem.

4.  
Ex. vol. II.  
Concil. Britan. Do.  
Hen. Spelman. p. 51.

I. Sciatis me ad honorem Dei & sanctæ ecclesiæ & pro communi emendatione totius regni mei, concessisse & reddidisse & præsentī charta mea confirmasse, Deo & sanctæ ecclesiæ & omnibus comitibus & baronibus & omnibus hominibus meis, omnes consuetudines quas rex Henricus avus meus eis dedit & concessit; similiter etiam omnes malas consuetudines, quas ipse delevit & remisit, ego remitto & deleri concedo pro me & hæredibus meis.

II. Quare volo & firmiter præcipio, ut sancta ecclesia, & omnes comites & barones, & omnes mei homines, omnes illas consuetudines & donationes & libertates, & libera consuetudines habeant & teneant, libere & quiete, bene & in pace, integre, de me & hæredibus meis, sibi & hæredibus suis, adeo libere & plenarie in omnibus, sicut rex Henricus avus meus eis dedit & concessit, & charta sua confirmavit, Test. Richardo de Luci.

*Charta communium Libertatum; sive magna charta regis JOHANNIS; ex autographo COTTONIANO* \*.

*"The Charter of Liberties, or the great charter granted by king JOHN to his subjects in the year 1255.*

Magna  
Charta

**J**OHANNES dei gratia rex Anglie, dominus Hibernie, dux Normannie, Aquitanie, & comes Andegavie, archiepiscopus, episcopus, abbatibus, comitibus, baronibus, justiciariis, forestariis, vicecomitibus, prepositis, ministris, & omnibus ballivis & fidelibus suis, salutem. Sciatis nos intuitu dei & pro salute anime nostre & omnium antecessorum & heredum nostrorum, ad honorem dei, & exaltationem sancte ecclesie, & emendationem regni nostri, per consilium venerabilium patrum nostrorum Stephani Cantuariensis archiepiscopi, & eius Anglie primatus & sancte Romanee ecclesie cardinalis, Henrici

**J**OHN by the grace of God, king of England, lord of Ireland, duke of Normandy and Aquitain, and earl of Anjou: to the archbishops, bishops, abbots, earls, barons, justiciaries, foresters, sheriffs, governors, officers, and to all bailiffs and other his faithful subjects, greeting. Know ye, that we <sup>b</sup>, in the presence of God, and for the health of our soul, and the souls of our ancestors and heirs, to the honour of God, and the exaltation of holy church, and amendment of our kingdom, by the advice of our venerable fathers, Stephen, archbishop of

\* Exactly printed from an authentick copy of the original in the Cotton library; and carefully compared with the original.

The Notes at the bottom in the larger character, referred to by the figures (1, and 2, &c) are such paragraphs, or articles, as occur in the magna charta, extant in Mat. Paris, p. 255, and are left out in the Cottonian copy. And whatsoever is inserted between these two marks [ ] are such clauses as were omitted in the magna charta of Henry III. and all the charters that followed. So that the reader hath at one view, a faithful copy of the original, as it is extant in the Cotton library, and also in what particulars the charter in Mat. Paris, and that of Henry III. do vary from it.

<sup>b</sup> King John was the first of the kings of England (as Sir Edward Coke observes) that in his grants wrote in the plural number: other kings before him wrote in the singular number; they used ego, I; and king John, and all the kings after him, nos, we. 2d. Institute, p 2.



rici Dubliniensis archiepiscopi, Willielmi Londoniensis, Petri Wintoniensis, Joscelini Bathoniensis & Glaston, Hugonis Lincolnensis, Walteri Wygorniensis, Willielmi Coventrensis, & benedicti Rosensis episcoporum; magistri Pandulphi domini pape subdiaconi & familiaris, fratris EymERICI magistri militie templi in Anglia; & nobilium virorum Willielmi Mariscalli comitis Penbrok, Willielmi comitis Sarum, Willielmi comitis Warennie, Willielmi comitis Arundell, Alani de Galweya constabularii Scotie, Warini filii Geroldi, Petri filii Hereberti, Huberti de Burgo senescalli Pictavie, Hugonis de Nevill, Matthei filii Hereberti, Thome Basset, Alani Basset, Philippi de Albiniaco, Roberti de Roppele, Johannis Marescalli, Johannis filii Hugonis, & aliorum fidelium nostrorum, in primis concessisse deo, & hac presente charta nostra confirmasse, pro nobis & hereditibus nostris in perpetuum;

“ of Canterbury, primate of  
 “ all England, and cardinal  
 “ of the holy Romanchurch;  
 “ Henry, archbishop of Dub-  
 “ lin, William, bishop of  
 “ London, Peter of Win-  
 “ chester, Joscelin of Bath  
 “ and Glastonbury, Hugh of  
 “ Lincoln, Walter of Wor-  
 “ cester, William of Coven-  
 “ try, Benedict of Roche-  
 “ ster, bishops; and master  
 “ Pandulph the pope's sub-  
 “ deacon and servant, bro-  
 “ ther Aymeric, master of  
 “ the temple in England;  
 “ and the noble persons Wil-  
 “ liam Marescall, earl of  
 “ Pembroke, William, earl  
 “ of Salisbury, William, earl  
 “ of Warren, William, earl  
 “ of Arundel, Alan de Ga-  
 “ loway, constable of Scot-  
 “ land, Warin Fitzgerald,  
 “ Peter Fitzherbert, and Hu-  
 “ bert de Burgh, seneschal of  
 “ Poictou, Hugo de Neville,  
 “ Matthew Fitzherebert,  
 “ Thomas Basset, Alan Bas-  
 “ set, Philip de Albincey,  
 “ Robert de Roppele, John  
 “ Marescall, John Fitzhugh,  
 “ and others our liegemen;  
 “ have in the first place  
 “ granted to God, and by  
 “ this our present charter,  
 “ confirmed for us and our  
 “ heirs for ever,

I. Quod Anglicana eccle-  
 sia libera sit, & habeat jura  
 sua

“ I. That the church of  
 “ England shall be free, and  
 “ enjoy

<sup>c</sup> That is, all ecclesiastical persons within the realm, their possessions and goods shall be freed from all unjust exactions and oppressions; but notwithstanding shall yield all lawful duties, either to the king, or to any of his subjects, Coke, *ibid*.

sua integra, & libertates suas illesas; & ita volumus observari, quod apparet ex eo, quod libertatem electionum que maxima & magis necessaria reputatur ecclesie Anglicane, mera & spontanea voluntate, ante discordiam inter nos & barones nostros motam, concessimus & carta nostra confirmavimus, & eam optinuimus a domino papa Innocentio tertio confirmari; quam & nos observabimus, & ab heredibus nostris in perpetuum bona fide volumus observari.

“ enjoy her whole rights and  
 “ liberties inviolable. [ “  
 “ And we will have them so  
 “ to be observed, which ap-  
 “ pears from hence, that the  
 “ freedom of elections, which  
 “ is reckoned most necessary  
 “ for the church of England “  
 “ of our own free will and  
 “ pleasure we have granted  
 “ and confirmed by our char-  
 “ ter, and obtained the con-  
 “ firmation thereof from pope  
 “ Innocent the third, before  
 “ the discord between us and  
 “ our barons, which charter  
 “ we shall observe, and do  
 “ will it to be faithfully ob-  
 “ served by our heirs for  
 “ ever.]

II. Concessimus etiam omnibus liberis hominibus regni nostri pro nobis & heredibus nostris in perpetuum, omnes libertates subscriptas, habendas & tenendas eis & heredibus suis, de nobis & heredibus nostris.

“ II. We have also granted  
 “ to all the freemen of our  
 “ kingdom, for us and our  
 “ heirs for ever, all the under  
 “ written liberties, to have  
 “ and to hold, them and  
 “ their heirs, of us and our  
 “ heirs.

III. Si quis comitum vel baronum nostrorum, sive aliorum tenentium de nobis in capite per servitium militare, mortuus fuerit, & cum decesserit heres suus plene etatis fuerit,

“ III. If any of our earls,  
 “ or barons, or others who  
 “ hold of us in chief by mili-  
 “ tary service, shall die, and  
 “ at the time of his death his  
 “ heir is of full age, and  
 “ owes

<sup>d</sup> No new rights were hereby given unto ecclesiastical persons, but such as they had before, were confirmed unto them. Coke, p. 3.

<sup>e</sup> See above, p. 435, of this volume.

<sup>f</sup> There was never a duke, marquis, or viscount then in England. The first duke was Edward the black prince, who was created duke of Cornwall, in 11 Edw. III. Robert de Vere, earl of Oxford, was created marquis of Dublin in 8 Rich. II. The first viscount on record, and that sat in parliament by that name, was John viscount Beaumont, created 18 Henry VI. Coke, p. 5. For an account of the titles of earls and barons, see above, p. 9, 10, 11, of this volume, and Selden's titles of honour.

fuert, & relevium debeat, habeat hereditatem suam per antiquum relevium, scilicet heres vel heredes comitis de baronia comitis integra per centum libras. Heres vel heredes baronis de baronia integra per centum libras. Heres vel heredes militis de feodo militis integro per centum solidos ad plus : & qui minus debuerit, minus det secundum antiquam consuetudinem feodorum.

“ owes a relief, he shall have  
 “ his inheritance by the an-  
 “ cient relief <sup>g</sup>, that is to  
 “ say, the heir or heirs of an  
 “ earl, for a whole earl's  
 “ barony, by a hundred  
 “ pounds; the heir or heirs  
 “ of a baron, for a whole  
 “ barony, by an hundred  
 “ pounds <sup>b</sup>; the heir or heirs  
 “ of a knight, for a whole  
 “ knight's fee, by an hun-  
 “ dred shillings at most; and  
 “ he that oweth less shall  
 “ give less, according to the  
 “ ancient custom of fees.

IV. Si autem heres alicujus talium fuerit infra etatem, & fuerit in custodia : cum ad etatem pervenerit, habeat heredi-

“ IV. But if the heir of  
 “ any such be under age,  
 “ and shall be in <sup>1</sup> ward (1)  
 “ when he comes of age, he  
 “ shall

(1) [His lord shall not have the wardship of him, nor his land, before he hath received his homage; and after such heir shall be in ward, and shall attain to the age of one and twenty years.]

<sup>g</sup> For the understanding of this article, it must be observed, that when any of the king's tenants in chief died, the king, as guardian to his heir, seized his lands; which remained in his hands, till the heir was of age. But when the heir came to be twenty one years old, he could sue to have his estate, upon doing homage to the king, and paying a certain composition called relief, which at first was settled, according to every man's degree, from an earl to a farmer. See above, p. 163, note <sup>b</sup>, and note III, p. 251, 252. But it seems, that sometimes before king John's reign, there had been a heavy encroachment of an uncertain relief, at will and pleasure, which, under a fair term, was called *rationabile relevium*; a reasonable relief. This clause therefore sets this matter again upon its ancient footing. See Sir Edw. Coke's 2d Inst. p. 7.

<sup>b</sup> The Cottonian copy has a hundred pounds; which seems to be a mistake. For the ancient relief of an earldom, a barony, and the living of a knight, was the fourth part of the yearly value of them. Now, the yearly value of a barony was to consist of thirteen knight's fees, and a quarter, which, by just account, amounted to four hundred marks a year, therefore his relief was a hundred marks, and not a hundred pounds. See Coke, *ibid.* p. 7.

<sup>1</sup> As long as the heirs of the king's tenants in chief were under age, they were said to be in ward, but this wardship was taken away by the statute 12. Car. II. c. 24.

restitutionem suam sine relevio & sine fine.

" shall have his inheritance  
" without relief or without  
" fine (2).

V. Custos terre hujusmodi heredis qui infra etatem fuerit, non capiat de terra heredis nisi rationabiles exitus, & rationabiles consuetudines, & rationabilia servitia, & hoc sine destructione & vasto hominum vel rerum. Et si nos commiserimus custodiam alicujus talis terre vicecomiti vel alicui alii qui de exitibus illius nobis respondere debeat, & ille destructionem de custodia fecerit vel vastum, nos ab illo capiemus emendam, & terram committatur duobus legalibus & discretis hominibus de feodo illo, qui de exitibus respondeant nobis vel ei cui eos assignaverimus. Et si dederimus vel vendiderimus alicui custodiam alicujus talis terre, & ille destructionem inde fecerit vel vastum, amittat ipsam custodiam, & tradatur duobus legalibus & discretis hominibus de feodo illo, qui

" V. The warden of the  
" land of such heir, who shall  
" be under age, shall take of  
" the land of such heir only  
" reasonable issues, reasona-  
" ble customs, and reasona-  
" ble services<sup>1</sup>; and that  
" without destruction and  
" waste of the men or  
" things (3): and if we com-  
" mit the guardianship of  
" those lands to the sheriff,  
" or any other, who is an-  
" swerable to us for the is-  
" sues of the land, and he  
" make destruction and waste  
" upon the ward lands, we  
" will compel him to give  
" satisfaction, and the land  
" shall be committed to two  
" lawful and discreet tenants  
" of that fee, who shall be  
" answerable for the issues to  
" us, or to him whom we  
" shall assign. And if we  
" give or sell the wardship of  
" any such lands to any one,  
" and

(2) [Yet so, that if he be made a knight<sup>\*</sup> while he is under age, nevertheless the lands shall remain in the custody of the lord, until the aforesaid time.]

(3) [Upon the estate.]

\* By being made a knight, the heir was out of ward as to his body; but his land remained in the custody of the lord, as is said in this article. See Coke, p. 11.

<sup>1</sup> By issues, are meant, the rents and profits issuing out, or coming of the lands or tenements of the ward. By customs, things due by custom of prescription, and appendant to the lands or tenements in ward; as advowsons, commons, tithes, &c. also fines of tenants by copy of court roll. By services, the drudgery and labour due from copy holders to their lords. See above, p. 13, 14, and notes, and Coke, p. 12, 13.

similiter nobis respondeant, sicut predictum est.

“ and he makes destruction  
“ or waste upon them, he  
“ shall lose the wardship,  
“ which shall be committed  
“ to two lawful and discreet  
“ tenants of that see, who  
“ shall in like manner be answerable to us, as hath  
“ been said.

VI. Custas autem quamdiu custodiam terre habuerit, sustentet domos, parcos, vivaria, stagna, molendina, & cetera ad terram illam pertinentia de exitibus terre ejusdem, & reddat heredi eum ad plenam etatem pervenerit terram suam totam instauratam de carrucis & wainnagiis secundum quod tempus wainnagii exigit, & exitus terre rationabiliter poterunt sustinere.

“ VI. But the warden, so long as he hath the wardship of the land, shall keep up and maintain the houses, parks, warrens, ponds, mills, and other things pertaining to the land, out of the issues of the same land; and shall restore to the heir, when he comes of full age, his whole land stocked with ploughs and carriages, according as the time of wainage shall require, and the issues of the land can reasonably bear  
“ (4).

VII. Heredes maritentur absque disparagatione; ita tamen quod antequam contrahatur matrimonium, ostendatur propinquis de consanguinitate ipsius heredis.

“ VII. Heirs shall be married without disparagement<sup>m</sup>, [so as that before matrimony is contracted, those who are nearest to the heir in blood be made acquainted with it.]

VIII. Vidua post mortem mariti sui statim & sine difficultate

“ VIII. A widow, after the death of her husband, shall

(4) [And all these things shall be observed in the custodies of vacant archbishopricks, bishopricks, abbies, priories, churches and dignities which appertain to us; except that these wardships are not to be sold,]

<sup>m</sup> That is, according to their rank, &c. Disparagement in a legal sense, was used for matching an heir in marriage under his degree, or against decency. Coke Littl. 107. Jacob,

cultate habeat maritagium & hereditatem suam; nec aliquid det pro dote sua vel pro maritaggio suo, vel hereditate sua, quam hereditatem maritus suus & ipsa tenuerint die obitus ipsius mariti; & maneat in domo mariti sui per quadraginta dies post mortem ipsius, infra quos assignetur ei dos sua.

" shall forthwith, and without any difficulty, have her marriage<sup>a</sup>, and her inheritance; nor shall she give any thing for her dower, or her marriage, or her inheritance, which her husband and she held at the day of his death: and she may remain in the capital messuage or mansion house of her husband, forty days after his death; within which term her dower shall be assigned (5).

IX. Nulla vidua distringatur ad se maritandum, dum voluerit vivere sine marito. Ita tamen quod securitatem faciat quod se non maritabit sine assensu nostro, si de nobis tenuerit, vel sine assensu domini sui de quo tenuerit si de alio tenuerit.

" IX. No widow shall be distrained \* to marry herself so long as she has a mind to live without a husband. But yet she shall give security that she will not marry without our assent, if she holds of us; or without the consent of the lord of whom she holds, if she holds of another.

X. Nec

" X. Nei-

(5) [If it was not assigned before, or unless the house shall be a castle; and if she departs from the castle, there shall forthwith be provided for her a compleat house, in which she may decently dwell, till her dower be to her assigned, as hath been said; and she shall in the mean time have her reasonable estover (i. e. competent maintenance) out of the common [revenue.] And there shall be assigned to her for her dower, the third part of all her husband's lands which were his in his life time, except she were endowed with less at the church door.]

<sup>a</sup> Maritagium, that is, shall have liberty to marry where she will. It appears by Bracton, that a woman, who was an heir, could not marry, without the leave and consent of the lords of whom her estates were held; otherwise she forfeited them. Bract. l. II. p. 88. Coke, p. 16.

\* Compelled by seizing her goods.

X. Nec nos, nec ballivi nostri seisiemus terram aliquam nec redditum pro debito aliquo, quamdiu catalla debitoris sufficiunt ad debitum reddendum: nec pleggii ipsius debitoris distringantur, quamdiu ipse capitalis debitor sufficit ad solutionem debiti.

“ X. Neither we nor our bailiffs shall seise any land <sup>1</sup> or rent for any debt, so long as there are chattles of the debtor’s upon the premises, sufficient to pay the debt (6). Nor shall the sureties of the debtor be distrained, so long as the principal debtor or is sufficient for the payment of the debt.

XI. Et si capitalis debitor defecerit in solutione debiti, non habens unde solvat, pleggii respondeant de debito, & si voluerint habeant terras & redditus debitoris, donec sit eis satisfactum de debito quod ante pro eo solverint, nisi capitalis debitor monstraverit se esse quietum inde versus eodem pleggios.

“ XI. And if the principal debtor fail in the payment of the debt, not having wherewithal to discharge it (7), then the sureties shall answer the debt, and if they will, they shall have the lands and rents of the debtor, until they be satisfied for the debt which they paid for him; unless the principal debtor can show himself acquitted thereof, against the said sureties.

XII. Si quis mutuo ceperit aliquid a Judeis plus vel minus, & moriatur antequam debitum illud solvatur, debitum non usuret quamdiu heres fuerit infra etatem, de quocumque teneat; & si debitum illud inciderit in manus nostras, nos non capiemus nisi

“ XII. [If any one have borrowed any thing of the Jews more or less, and dies before the debt be satisfied, there shall be no interest paid for that debt, so long as the heir is under age, of whomsoever he may hold: and if the debt falls

(6) [And that the debtor is ready to satisfy it.]

(7) [Or will not discharge it when he is able.]

<sup>p</sup> In this place the sheriff and his under bailiffs are intended and meant, says Sir Edward Coke, p. 19.

<sup>1</sup> By order of the common law, the king for his debt had execution of the body, lands, and goods of the debtor; so that this is an act of grace, restraining the power the king had before. Coke, *ibid*.

## THE HISTORY

si cattallum contentum in charta.

“ falls into our hands, we  
“ will take only the chattel  
“ mentioned in the charter  
“ or instrument.]

XIII. Et si quis moriatur, & debitum debeat Judeis, uxor ejus habeat dotem suam, & nichil reddat de debito illo; & si liberi ipsius defuncti, qui fuerint infra etatem, remanserint, provideantur iis necessaria secundum tenementum quod fuerit defuncti; & de residuo solvatur debitum, salvo servitio dominorum. Simili modo fiat de debitis que debentur aliis quam Judeis.

“ XIII. [And if any one  
“ die indebted to the Jews,  
“ his wife shall have her  
“ dower, and pay nothing of  
“ that debt; and if the de-  
“ ceased left children under  
“ age, they shall have ne-  
“ cessaries provided for them  
“ according to the tenement  
“ (or real estate) of the de-  
“ ceased, and out of the re-  
“ sidue the debt shall be  
“ paid; saving however the  
“ service of the lords. In  
“ like manner let it be with  
“ the debts due to other per-  
“ sons than Jews.]

XIV. Nullum scutagium vel auxilium ponatur in regno nostro nisi per commune consilium regni nostri, nisi ad corpus nostrum redimendum; & primogenitum filium nostrum militem faciendum; & ad filiam nostram primogenitam semel maritandam: & ad hec non fiat nisi rationabile auxilium.

“ XIV. No scutage<sup>r</sup> or  
“ aid shall be imposed in our  
“ kingdom, unless by the  
“ common council of our  
“ kingdom, except to re-  
“ deem our person, and to  
“ make our eldest son a  
“ knight, and once to marry  
“ our eldest daughter; and  
“ for this there shall only be  
“ paid a reasonable aid.

XV. Simili modo fiat de auxiliis de civitate London. & civitas London. habeat omnes antiquas libertates, & liberas

“ XV. [In like manner it  
“ shall be concerning the  
“ aids of the city of Lon-  
“ don; and] the city of Lon-  
“ don

<sup>r</sup> Scutage was military service, due to the king from the tenants in chief. It is to be understood also of what the feudataries paid the king in lieu of that service, and likewise of the tax which was imposed on each vassal for the service of the publick. Since William the conqueror, the kings had frequently imposed scutages, without the consent of the states, Rapin. See above, note <sup>r</sup>, p. 401—404, and note I. p. 485—489.



beras consuetudines suas tam  
per terras quam per aquas.

“ don shall have all her an-  
“ tient liberties and free cus-  
“ toms, as well by land as  
“ by water.

XVI. Preterea volumus &  
concedimus, quod omnes alie  
civitates, & burgi, & ville, &  
portus habeant omnes liberta-  
tes & liberas consuetudines  
suas.

“ XVI. Furthermore, we  
“ will and grant that all o-  
“ ther cities and boroughs,  
“ and towns (8) and ports,  
“ have all their liberties and  
“ free customs.

XVII. Et ad habendum  
commune concilium regni de  
auxilio assidendo, aliter quam  
in tribus casibus predictis, vel  
de scutagio assidendo, sum-  
moneri faciemus archiepisco-  
pos, episcopos, abbates, si-  
gillatim per litteras nostras.

“ XVII. And in order to  
“ hold a common council of  
“ the kingdom for assessing  
“ an aid (otherwise than in  
“ the three cases aforesaid)  
“ or for the assessing a scutage,  
“ we shall cause to be sum-  
“ moned the archbishops, bi-  
“ shops, abbots, earls, and  
“ great barons severally by  
“ our letters.

XVIII. Et preterea facie-  
mus summoneri in generali per  
vicecomites, & ballivos nos-  
tros omnes illos qui de nobis  
tenent in capite ad certum  
diem, scilicet ad terminum  
quadraginta dierum ad minus,  
& ad certum locum, & in  
omnibus litteris illius summo-  
nitionis causam summonitionis  
exprimemus.

“ XVIII. And moreover,  
“ we shall cause to be sum-  
“ moned in general, by our  
“ sheriffs and bailiffs, all those  
“ who hold of us in capite,  
“ to a certain day, name-  
“ ly at the end or expiration  
“ of forty days at least, and  
“ to a certain place; and in  
“ all the letters of summons,  
“ we shall express the cause  
“ of the summons.

XIX.

“ XIX.

(8) [And barons of the cinque ports \*.]

\* The cinque ports lay in the county of Kent. They had great privileges,  
which king John himself had augmented. The governors of them were called  
barons, as they are at this day. Rapin.

† It seems to follow from this article, that none but tenants in chief had a  
right to sit in the common council or parliament. Otherwise it was natural to  
mention here the representatives of the commons, had they enjoyed that right  
in those days. Rapin.

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## THE HISTORY

XIX. Et sic facta summo-  
nitione negotium ad diem af-  
signatum procedat secundum  
consilium illorum qui presen-  
tes fuerint, quamvis non om-  
nes summoniti venerint.

"XIX. [And summons be-  
"ing thus made, the business  
"shall proceed on the day  
"appointed, according to the  
"advice of such as are pre-  
"sent, although all that were  
"summoned come not.]

XX. Nos non concedemus  
de cetero alicui quod capiat  
auxilium de liberis hominibus  
suis, nisi ad corpus suum re-  
dimendum; & ad faciendum  
primogenitum filium suum mi-  
litem; & ad primogenitam  
filiam suam semel maritan-  
dam; & ad hec non fiat nisi  
rationabile auxilium.

"XX. We will not for  
"the future grant to any  
"one, that he may take aid  
"of his own free-tenants,  
"unless to redeem his body;  
"and to make his eldest son  
"a knight, and once to mar-  
"ry his eldest daughter; and  
"for this there shall only be  
"paid a reasonable aid.

XXI. Nullus distringatur  
ad faciendum majus servitium  
de feodo militis, nec de alio  
libero tenemento, quam inde  
debetur.

"XXI. No man shall be  
"distrained to perform more  
"service for a knight's fee,  
"or other free tenement,  
"than is due from thence."

XXII. Communia placita  
non sequantur curiam nos-  
tram,

"XXII. Common pleas  
"shall not follow our  
"court,

<sup>a</sup> This was the ancient law of England, as appears by Glanvil, l. XII. c. 9, ro. Coke, p. 21. See above, p. 32, &c. note 1.

<sup>w</sup> It may not be amiss to give an abstract of Maddox's hypothesis concerning the division of the king's court and erection of the bank or common bench. That the king's court or palace was anciently the great and principal seat of judicature in this realm, has been observed in a former note on the exchequer. But in process of time, namely, about the end of king John's reign, the judicature of the king's court came to be divided. And by that division, common pleas were reserved to a court then newly erected; which court was called the bank, because it was fixed at Westminster, at which place the justiciars thereof were to sit and not to follow the king's court. The bank was, probably, set up in aid of the king's court, as the iters formerly were. It has been, indeed, for some time past a received opinion, that the four superior courts holden at this day in Westminster hall are of coeval antiquity. This may serve to silence needless disputes concerning the pre-eminence of one or other of the king's courts, but does not seem to agree with the ancient records. For the name or style of the bank, or justiciars of the bank, does not occur till long after the Norman conquest, consequently the bank or common bench was a court different from the curia regis, and erected at some subsequent time. And as the bank hath all along, since the time of the first notice of it, dealt only or chiefly in common pleas; so it falls out, that the curia regis ceased to deal ordinarily in common pleas, about the same time the bank is supposed to be erected. Now this division of the king's court seems to have been begun in the reign of Richard I. or king John, and completed in the

|                                                                                                                                                                                                            |                                                                                                                                                                                                                   |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| tram, fed teneantur in aliquo loco certo. Rocognitiones de nova diffaisina, de morte antecessoris, & de ultima presentatione non capiantur nisi in suis comitatibus, & hoc modo : nos, vel si extra regnum | “ court, but be holden in<br>“ some certain place : tryals<br>“ upon the writs of novel<br>“ disseisin, and of mort d’antecesser, and of darreine presentment *, shall be taken<br>“ but in their proper counties |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

the reign of Henry III. And to this the great charter, no doubt, was very conducive. In this article of the magna charta therefore, by curiam nostram may be understood the king's court holden in his palace ; and by aliquo certo loco, the bank. So that by this clause, the bank might be erected, or rather confirmed and established. It is likely, however, the bank was not first erected in the seventeenth of king John. For there is mention in the twenty third and twenty fourth chapters of that king's charters, of the justiciarii nostri de banco, which shews, there was a court called the bank, before, or at least, at that time. In truth, there was a court called the bank, and justiciars styled justiciarii de banco several years before, as appears by records. About the time the common pleas were moving off from the king's court, certain phrases were introduced, that were not before in general use. Such as curia regis apud Westmonasterium, justiciarii regis de west, or apud west, bancus, and justiciarii de banco. See Mag. Rot. 7. R. 1. Rot. 18. 9 R. 1. Rot. 11. 2 J. Rot. 3. &c. So that it seems likely, that the bank not being yet completely settled, the person who was the chief justiciar of England, used to sit and act at this time, as well in the bank, as in the king's court, and the exchequer. Moreover, though there was a bank in the former part of king John's reign, yet it seems, even at the end of his reign, common pleas were not only completely separated from the king's court. For in the clause, communia placita non sequantur nostram curiam, it is implied that common pleas did then, in some measure, follow the king's court: Upon which ground it is ordered, they should not for the future follow the king's court, but be held in aliquo certo loco. However this clause in king John's charter did not quite take away from the king's court the former usage in dealing in common pleas, or completely annex them to the bank. For the same clause was inserted verbatim in the great charter of the 9th of Henry III. See Mag. Rot. 2 H. III. Rot. 2. 10 Hen. III, &c. In the reign of king John, after the erecting of the bank, the style of the superior court began to alter. By degrees, the phrase curia regis, went into disuse. And the pleas and proceedings in that court, were frequently said to be coram rege, or domino rege ; and in process of time, coram domino rege ubicunque, &c. See Mag. Rot. 6 J. Rot. 16. 11. J. 4. &c. Against what has been said, are urged Glanvil's words, coram justiciis in banco sedentibus or residentibus, which, it is said, prove the bank was in being in his time, namely, in the reign of Henry II. But Maddox shews, these words mean only the justiciars sitting in the curia regis in banco, upon the bench, that is, in open and solemn court. See Hist. Excheq. chap. 19.

\* A writ of assize of novel disseisin lies, where a tenant, for ever, or for life, is put out and disseised of his lands or tenements, rents, common of pasture, common way, or of an office, toll, &c. that he may recover his right. G. Jacob. A writ of mort d'ancestor, is that which lies, where any of a man's near relations die, seized of lands, rents, or tenements, and after their deaths, a stranger seizes upon them. A writ of darreine presentment, lies, where a man and his ancestors have presented to a church, and after it is become void, a stranger presents thereto, whereby the person having right is disturbed. Id.—This article tended greatly to the ease of the jurors, and to the saving of charges to the parties concerned ; for, before this Statute, the writs of assize of novel disseisin, &c. were returnable, either before the king, or in the court of common pleas, and to be taken there. Coke, p. 24.

num fuerimus, capitalis iusticiarius noster, mittemus duos iusticiarios per unumquemque comitatum, per quatuor vices in anno: qui cum quatuor militibus cujuslibet comitatus electis per comitatum, capiunt in comitatu, & in die & loco comitatus assisas predictas.

XXIII. Et si, in die comitatus, assise predictæ capi non possint, tot milites & libere tenentes remaneant de illis qui interfuerint comitatu die illo, per quos possint judicia sufficienter fieri, secundum quod negotium fuerit majus vel minus.

XXIV. Liber homo non amercietur pro parvo delicto, nisi secundum modum delicti; & pro magno delicto amercietur, secundum magnitudinem delicti: salvo contenemento suo; & mercator eodem modo salva mercandisia sua.

XXV.

ties and after this manner: we, or (if we are out of the realm) our chief iusticiary, shall send two iusticiaries through every county four times a year; who with the four knights chosen out of every shire, by the people, shall hold the said assizes in the county, on the day, and at the place, appointed<sup>y</sup>.

XXIII. And if any matters cannot be determined on the day appointed to hold the assizes in each county, so many of the knights and freeholders as have been at the assizes aforesaid, shall be appointed to decide them, as is necessary, according as there is more or less business (9).

XXIV. A free-man<sup>z</sup> shall not be amerced for a small fault, but according to the degree of the fault; and for a great crime, in proportion to the heinousness of it: saving to him his contenement<sup>a</sup>, and after the same manner a merchant, saving to him his merchandise.

XXV.

(9) 24. [Assizes of darreine presentment to churches shall be always taken before the justiciaries of the bench.]

<sup>y</sup> In all appearance, since the conquest, the kings had abolished or very much altered this way of trying causes, that they might have the decision of matters in their own power. Rapin.

<sup>z</sup> By freemen here and in most places must be understood freeholders, i. e. those that held their lands of the king or some other lord by a certain relief.

<sup>a</sup> Contenementum is to be understood of the means of a man's livelihood, as the arms of a soldier, the ploughs and carts of a husbandman, &c.

XXV. Et villanus eodem modo amercietur salvo wainagio suo, si inciderint in misericordiam nostram; & nulla dictarum misericordiarum ponatur nisi per sacramentum proborum hominum de vicino.

“XXV. And a villain (1)  
“shall be amerced after the  
“same manner, saving to  
“him his wainage <sup>b</sup>, if he  
“falls under our mercy; and  
“none of the aforesaid amer-  
“ciements <sup>c</sup> shall be af-  
“fessed but by the oath of  
“honest men of the neigh-  
“bourhood (2).

XXVI. Comites & barones non amercientur, nisi per pares suos, & non nisi secundum modum delicti.

“XXVI. Earls and barons shall not be amerced  
“but by their peers <sup>d</sup>, and  
“according to the quality of  
“the offence.

XXVII. Nullus clericus amercietur de laico tenemento suo, nisi secundum modum aliorum predicatorum, & non secundum quantitatem beneficii sui ecclesiastici.

“XXVII. No ecclesiastical person shall be amerced for his lay-tenement,  
“but according to the proportion aforesaid, and not  
“according to the value of  
“his ecclesiastical benefice.

XXVIII. Nec villa, nec homo distringatur facere pontes ad riparias, nisi qui ab antiquo & de jure facere debent.

“XXVIII. Neither a town,  
“nor any person, shall be  
“distrained to make bridges  
“over rivers, unless that anciently and of right they  
“are bound to do it (3).

XXIX.

“XXIX.

(1) [Of any other than our own.]

(2) [Of the county.]

(3) 30. [No river for the future shall be imbanked, but what was imbanked in the time of king Henry our grandfather.]

<sup>b</sup> That is, his carts and implements of husbandry.

<sup>c</sup> See above, p. 401, &c. note <sup>u</sup>. Amerciament is derived from the French word *merci*, and signifies the pecuniary punishment of an offender against the king, or other lord in his court, that is found to have offended, and to stand at the mercy of the king or his lord. Jacob.

<sup>d</sup> In England there are two orders or degrees of subjects, peers of the realm, and commoners. The nobles have for their peers, all the peers of the realm; and the commoners are all reckoned peers of one another. Rapin.

## THE HISTORY

XXIX. Nullus vicecomes, constabularius, coronatores, vel alii ballivi nostri teneant placita corone nostre.

“ XXIX. No sheriff, constable<sup>e</sup>, coroners, or other our bailiffs, shall hold pleas of the crown.

XXX. Omnes comitatus, hundredi, wapentakia, & trethingi sint ad antiquas firmas, absque ullo incremento, exceptis dominicis mancriis nostris.

“ XXX. [All counties, hundreds, wapentakes, and trethings, shall stand at the old ferm, without any increase, except in our demesne lands.]

XXXI. Si aliquis tenens de nobis laicum feodum, moriatur, & vicecomes vel ballivus noster ostendat literas nostras patentees de summonitione nostra de debito quod defunctus nobis debuit; liceat vicecomiti vel ballivo nostro attachiare & inbreviare catala defuncti inventa in laico feodo ad valentiam illius debiti, per visum legalium hominum, ita tamen quod nichil inde amoveatur, donec persolvatur nobis debitum; quod clarum fuerit & residuum relinquatur executoribus ad faciendum testamentum defuncti, & si nichil nobis debeatur ab ipso omnia catalla cedant defuncto, salvo uxori ipsius & pueris rationabilibus partibus suis.

“ XXXI. If any one that holds of us a lay-fee, dies, and the sheriff or our bailiff shew our letters patents of summons concerning the debt, due to us from the deceased; it shall be lawful for the sheriff or our bailiff to attach and register the chattles of the deceased found upon his lay-fee, to the value of the debt, by the view of lawful men, so as nothing be removed until our whole debt be paid; and the rest shall be left to the executors to fulfil the will of the deceased: and if there be nothing due from him to us, all the chattels shall remain to the deceased, saving to his wife and children their reasonable share,

XXXII. Si aliquis liber homo intestatus decesserit, catalla sua per manus propinquorum, parentum, & amicorum

“ XXXII. [If any freeman dies intestate, his chattels shall be distributed by the hands of his near-  
“ est

<sup>e</sup> Is here taken for constable of a castle. They were men in ancient times, of account and authority; and for pleas of the crown, &c. had the like authority within their precincts, as the sheriff had within his bailiwick, before this act; and they commonly sealed with their portraiture on horseback. Regularly every castle contains a manor, so that every constable of a castle is constable of a manor.

corum suorum per visum ecclesie distribuantur; salvis unicuique debitis que defunctus ei debebat.

“ est relations and friends by  
“ view of the church, saving  
“ to every one his debts,  
“ which the deceased owed.]

XXXIII. Nullus constabularius vel alius ballivus noster capiat blada vel alia catalla alicujus, nisi statim inde reddat denarios, aut respectum inde habere possit de voluntate venditoris.

“ XXXIII. No constable  
“ or bailiff of ours shall take  
“ corn or other chattles of  
“ any man (4), unless he  
“ presently gives him money  
“ for it, or hath respite of  
“ payment from the seller  
“ (5).

XXXIV. Nullus constabularius distringat aliquem militem ad dandum denarios pro custodia castri si facere voluerit custodiam illam in propria persona sua, vel per alium probum hominem si ipse eam facere non possit propter rationabilem causam.

“ XXXIV. No constable  
“ shall distrain any knight to  
“ give money for castle-  
“ guard, if he himself will  
“ do it in his own person, or  
“ by another able man, in  
“ case he is hindered by any  
“ reasonable cause.

XXXV. Et si nos duxerimus vel miserimus eum in exercitum, erit quietus de custodia secundum quantitatem temporis quo per nos fuerit in exercitu.

“ XXXV. And if we lead  
“ him, or send him into the  
“ army, he shall be free from  
“ castle-guard, for the time  
“ he shall be in the army, by  
“ our command (6).

XXXVI. Nullus vicecomes vellivus noster vel aliquis alius capiat equos vel carretas alicujus liberi hominis pro cariagio faciendo nisi de voluntate ipsius liberi hominis.

“ XXXVI. No sheriff or  
“ bailiff of ours, or any o-  
“ ther, shall take horses or  
“ carts of any for carriage  
“ (7).

XXXVII.

“ XXXVII.

(4) [Who is not of the town where the castle is.]

(5) [But if he be of the same town, he shall pay him within forty days.]

(6) [For the fee, for which he did service in the army.]

(7) [Without paying according to the rate antiently appointed, that is to say, for a cart and two horses ten pence a day; and for a cart with three horses fourteen pence a day.]

XXXVII. Nec nos, nec ballivi nostri capiemus alienum boscum ad castra vel alia agenda nostra, nisi per voluntatem ipsius cujus boscus ille fuerit.

“ XXXVII. Neither we, “ or our officers, or others, “ shall take any man’s timber for our castles, or other uses, unless by the consent of the owner of the timber (8).

XXXVIII. Nos non tenebimus terras illorum qui convicti fuerint de feloniam, nisi per unum annum & unum diem, & tunc reddantur terre dominis feodorum.

“ XXXVIII. We will retain the lands of those that are convicted of felony but one year and a day, and then they shall be delivered to the lord of the fee.

XXXIX. Omnes kydeli de cetero deponantur penitus de Thamisia & de Medewaye, & per totam Angliam nisi per costeram maris.

“ XXXIX. All the wears for the time to come shall be destroyed in the rivers of Thames and Medway, and throughout all England, except upon the sea-coast.

XL. Breve quod vocatur precipue de cetero non fiat alicui de aliquo tenemento, unde liber homo amittere possit curiam suam.

“ XL. The writ, which is called præcipe <sup>f</sup>, for the future, shall not be granted to any one of any tenement, whereby a freeman may lose his cause.

XLI. Una mensura vini fit per totum regnum nostrum, & una mensura servisie, & una mensura bladi, scilicet quarterium Londoniense, & una latitudo pannorum tinctorum & ruffetorum & halber-

“ XLI. There shall be one measure of wine and one of ale, through our whole realm, and one measure of corn; that is to say, the London-quarter; and one breadth of dyed cloth, and  
“ ruffets

(8) [No demesne cart of any ecclesiastical person, or knight, or any lady, shall be taken by our officers.]

<sup>f</sup> The writ called præcipe quod reddat, from the first words in it, has several uses. It signifies in general an order from the king, or some court of justice, to put in possession one that complains of having been unjustly ousted. Apparently several abuses had crept in upon this article, Rapin.



bergettorum, scilicet due ulne, infra listas. De ponderibus autem fit ut de mensuris.

“ ruffets and haberjects <sup>2</sup>,  
“ that is to say, two ells  
“ within the list; and the  
“ weights shall be as the  
“ measures.

XLII. Nichil detur vel capiatur de cetero pro brevi inquisitionis de vita vel membris, sed gratis concedatur & non negetur,

“ XLII. From hencefor-  
“ ward nothing shall be giv-  
“ en or taken for a writ of  
“ inquisition <sup>1</sup>, from him  
“ that desires an inquisition  
“ of life or limbs, but that  
“ shall be granted gratis, and  
“ not denied.

XLIII. Si aliquis teneat de nobis per feodifirmam, vel per sokagium, vel per burgagium, & de alio terram teneat per servitium militare, nos non habebimus custodiam heredis nec terre sue que est de feodo alterius, occasione illius feodifirme vel sokagii, vel burgagii, nec habebimus custodiam illius feodifirme, vel sokagii, vel burgagii, nisi ipsa feodifirma debeat servitium militare.

“ XLIII. If any one holds  
“ of us by fee-farm, or soc-  
“ age, or burgage <sup>1</sup>, and holds  
“ lands of another by mili-  
“ tary service, we will not  
“ have the wardship of the  
“ heir or land, which be-  
“ longs to another man's  
“ fee, by reason of what he  
“ holds of us by fee-farm,  
“ socage, or burgage: nor  
“ will we have the wardship  
“ of the fee-farm, socage, or  
“ burgage, unless the fee-  
“ farm is bound to perform  
“ military service.

XLIV. Nos non habebimus custodiam heredis vel terre alicujus quam tenet de alio per servitium militare, occasione alicujus parve fergentie

“ XLIV. We will not have  
“ the wardship of an heir,  
“ nor of any land, which he  
“ holds of another by mili-  
“ tary service, by reason of  
“ any

<sup>2</sup> A sort of coarse cloth.

<sup>1</sup> This was a writ directed to the sheriff, to enquire, whether a man, committed to prison on suspicion of murder, was committed on just cause of suspicion, or only out of malice and ill-will. Jacob,

<sup>1</sup> To hold in fee-farm, is when there is some rent reserved by the lord upon the creation of the tenancy. In socage, upon condition of ploughing the lord's land, and doing other inferior offices of husbandry: and in burgage, when the inhabitants of a borough held their tenements of the king at a certain rent. See above, p. 13,

## THE HISTORY

ne quam tenet de nobis per  
servitium reddendi nobis cul-  
tellos vel sagittas vel hujus-  
modi.

" any petit-serjeanty he holds  
" of us, as by the service of  
" giving us daggers, arrows,  
" or the like.

XLV. Nullus ballivus po-  
nat de cetero aliquem ad le-  
gem simplici loquela sua sine  
testibus fidelibus ad hoc in-  
ductis.

" XLV. No bailiff for  
" the future shall put any  
" man to his law<sup>k</sup>, (9) up-  
" on his single accusation,  
" without credible witnesses  
" produced to prove it.

XLVI. Nullus liber homo  
capiatur, vel imprisonetur,  
aut diffametur, aut utlagetur,  
aut exuletur, aut aliquo modo  
destruatur; nec super eum  
iudicemus, nec super eum mit-  
temus, nisi, per legale judi-  
cium parium suorum, vel per  
legem terre.

" XLVI. No freeman  
" shall be taken, or impris-  
" oned, or disseised (1), or  
" outlawed, or banished, or  
" any ways destroyed; nor  
" will we pass upon him, or  
" commit him to prison, un-  
" less by the legal judgement  
" of his peers, or by the law  
" of the land<sup>l</sup>.

XLVII. Nulli vendemus,  
nulli negabimus, aut differe-  
mus rectum aut iusticiam.

" XLVII. We will sell  
" to no man, we will deny  
" no man, or defer right nor  
" justice.

XLVIII. Omnes mercato-  
res habeant saluum & secu-  
rum exire de Anglia & venire  
in Angliam, & morari & ire  
per Angliam, tam per terram  
quam per aquam, ad emen-  
dum & vendendum, sine om-  
nibus malis tollis, per anti-  
quas

" XLVIII. All mer-  
" chants (2) shall have  
" safe and secure conduct to  
" go out of, and to come  
" into England<sup>m</sup>; and to  
" stay there, and to pass as  
" well by land as by water,  
" to buy and sell by the an-  
" tient

(9) [Nor to an oath.]

(1) [Of his free hold or liberties, or free-customs.]

(2) [Unless they be publicly prohibited.]

<sup>k</sup> To make his law, is as much as to say, to take his oath, &c.

<sup>l</sup> That is, says Dr. Brady, by legal process, &c.

<sup>m</sup> By some ancient laws of England, foreign merchants were forbid coming into the kingdom, except in fair time, and then were not to stay above forty days. Coke, p. 57.

quas & rectas consuetudines  
preterquam in tempore gwer-  
re, & si sint de terra contra  
nos gwerrina.

“tient and allowed customs,  
“without any evil tolls, ex-  
“cept in time of war, or  
“when they are of any na-  
“tion in war with us.

XLIX. Et si tales inveni-  
antur in terra nostra in prin-  
cipio gwerre, attachientur si-  
ne dampno corporum & re-  
rum, donec sciatur a nobis  
vel capitali iusticiario nostro  
quomodo mercatores terre  
nostre tractentur qui tunc  
invenientur in terra contra  
nos gwerrina; & si nostri sal-  
vi sint ibi, alij salvi sint in  
terra nostra.

“XLIX. And if there be  
“found any such in our land  
“in the beginning of a  
“war, they shall be attach-  
“ed, without damage to  
“their bodies or goods, un-  
“til it may be known unto  
“us, or our chief iusticiary,  
“how our merchants be  
“treated in the nation at  
“war with us; and if ours  
“be safe there, they shall be  
“safe in our dominions.

L. Liceat unicuique de  
cetero exire de regno nostro,  
& redire, salvo & secure per  
terram & per aquam salva fi-  
de nostra, nisi tempore gwer-  
re per aliquod breve tempus  
propter communem utilita-  
tem regni, exceptis impriso-  
natis & utlagatis secundum  
legem regni, & gente de ter-  
ra contra nos gwerrina, &  
mercatoribus de quibus fiat  
sicut predictum est.

“L. [It shall be lawful for  
“the time to come, for any  
“one to go out of our king-  
“dom, and return safely and  
“securely by land or by wa-  
“ter, saving his allegiance  
“to us; unless in time of  
“war by some short space  
“for the common benefit of  
“the kingdom, except pri-  
“soners and out-laws, (ac-  
“cording to the law of the  
“land) and people in war  
“with us, and merchants  
“who shall be in such  
“condition as is above-  
“mentioned.]

LI. Si quis tenuerit de a-  
liqua escheata sicut de honore  
Walingeford, Notingham,  
Bononia, Lainkastrie, vel de  
aliis escheatis que sunt in manu  
nostra, & sunt baronie, &  
obiierit, heres ejus non det  
aliud

“LI. If any man holds  
“of an escheat, as of the  
“honour of Wallingford,  
“Nottingham, Boulogne,  
“Lancaster, or of other es-  
“cheats which are in our  
“hands, and are baronies,  
“and

## THE HISTORY

aliud relevium, nec faciat nobis aliud servitium quam faceret baroni si baronia illa esset in manu baronis, & nos eodem modo eam tenebimus quo baro eam tenuit.

“ and dies, his heir shall  
 “ not give any other relief,  
 “ or perform any other service to us than he would  
 “ to the baron, if the barony  
 “ were in possession of the  
 “ baron ; we will hold it after the same manner the  
 “ baron held it (3).

LII. Homines qui manent extra forestam non veniant de cetero coram justiciariis nostris de foresta per communes summonitiones, nisi sint in placito, vel pleggii alicujus vel aliquorum qui attachiati sint pro foresta.

“ LII. [Those men who  
 “ dwell without the forest,  
 “ from henceforth shall not  
 “ come before our justiciaries  
 “ of the forest upon common summons, but such  
 “ as are impleaded, or are  
 “ pledges for any that were  
 “ attached for something  
 “ concerning the forest (4).

LIII.

“ LIII.

(3) [Nor will we by reason of such barony or escheat, have any escheat or wardship of any of our men, unless he that held the barony or escheat, held of us in chief elsewhere.]

(4) 59. [No county-court for the future shall be holden, but from month to month ; and where there used to be a greater interval, let it be so continued. 60. Neither any sheriff, nor his bailiff, shall keep his turn in the hundred oftener than twice in a year, and only in the accustomed place ; that is, once after Easter, and once after Michaelmas ; and the view of frank-pledge shall be held after Michaelmas, without occasion<sup>a</sup>, and so that every one shall have his liberties, which he had and was wont to have in the time of king Henry our grandfather, or such as he obtained afterwards. 61. But the view of frank-pledge shall be so made, that our peace may be kept, and that the tithing be full, as it was wont to be. 62. And the sheriffs shall not seek occasions<sup>b</sup>, but shall be content with what the sheriff was wont to have for making his view in the time of king Henry our grandfather. 63. For the time to come

<sup>a</sup> Sine occasione, i. e. without oppression. Brady.

<sup>b</sup> Occasiones. Causes to oppress any man. Brady.

LIII. Nos non faciemus justiciarios, constabularios, vicecomites, vel ballivos nisi de tallibus qui sciant legem regni, & eam bene velint observare.

" LIII. We will not make  
" any justiciaries, constables,  
" sheriffs, or bailiffs, but  
" what are knowing in the  
" law of the realm, and are  
" disposed duly to observe it.

LIV. Omnes barones qui fundaverunt abbatias unde habent cartas regum Anglie, vel antiquam tenuram, habeant earum custodiam cum vacaverint, sicut habere debent.

" LIV. All barons, who  
" are founders of abbies, and  
" have charters of the kings  
" of England for the ad-  
" vowson, or are entitled to  
" it by antient tenure, may  
" have the custody of them,  
" when void, as they ought  
" to have.

LV. Omnes foreste que aforestate sunt tempore nostro, statim deaforestentur, & ita fiat de ripariis que per nos tem-

" LV. All woods that  
" have been taken into the  
" forests (5) in our own  
" time, shall forthwith be  
" laid

come it shall not be lawful for any man to give his land to a religious house, so as to take it again, and hold it of that house. 64. Nor shall it be lawful for any religious house to receive land, so as to grant it to him again of whom they received it, to hold of him. If any man for the future shall so give his land to a religious house, and be convicted thereof, his gift shall be void, and the land shall be forfeited to the lord of the fee. 65. Scutage for the future shall not be taken as it was used to be taken in the time of king Henry our grandfather; [and that the sheriff shall oppress no man, but be content with what he was wont to have.] 66. Saving to the archbishops, bishops, abbots, priors, templars, hospitallers, earls, barons, knights, and all others, as well ecclesiasticks as seculars, the liberties and free customs which they had before: these being witnesses, &c.

(5) [By king Richard our brother.]

\* The reasons of these two articles were, because by holding their lands of the church, the service due from the fees, which were intended for the defence of the realm were unduly withdrawn; and because the chief lords lost the efcheats, wardships, reliefs, and the like. Abundance of ways were used to evade the force of this law. But an effectual stop was put to them at last by the Statute of Mortmain, 7 Edw. II.

tempore nostro posite sunt in defenso.

“ laid out again (6), and  
“ the like shall be done with  
“ the rivers that have been  
“ taken or fenced in by us,  
“ during our reign.

LVI. Omnes male consuetudines de forestis, wahrenis, & de forestariis & wahrenariis, vicecomitibus, & eorum ministris, ripariis & earum custodibus statim inquirantur in quolibet comitatu per duodecim milites juratos de eodem comitatu, qui debent eligi per probos homines ejusdem comitatus, & infra quadraginta dies post inquisitionem factam, penitus, ita quod numquam revocentur, deleantur. o—

“ LVI. All evil customs  
“ concerning forests, wahrens, and foresters, wahreners, sheriffs, and their  
“ officers, rivers, and their  
“ keepers, shall forthwith be  
“ be enquired into in each  
“ county, by twelve knights  
“ of the same shire, chosen  
“ by the most creditable persons in the same county,  
“ and upon oath; and,  
“ within forty days after the  
“ said inquest, be utterly abolished, so as never to be  
“ restored (7).

LVII. Omnes obsoles & cartas statim reddemus que liberate fuerunt nobis ab Angliis in securitatem pacis, vel fidelis servitii.

“ LVII. We will immediately give up all hostages  
“ and engagements, delivered unto us by our English  
“ subjects, as securities for their keeping the peace,  
“ and yielding us faithful service.

LVIII. Nos amovebimus penitus de balliviis parentes Gerardi de Athyes, quod de cetero nullam habeant balliviam in Anglia; Engelandum de Cygony, Andream, Petrum, & Gyonem, de Cancell. Gyonem de Cygony, Galfridum

“ LVIII. We will entirely remove from our bailiwicks the relations of Gerard de Athyes, so as that  
“ for the future they shall have no bailiwick in England. We will also remove  
“ Engeland de Cygony, Andrew,  
“ drew,

(6) [Unless they were our demesne woods.]

(7) 54. [No freeman for the future shall give or sell any more of his land, but so that out of the residue, the service due to the lord of the fee may be sufficiently performed.]

Galfridum de Martyni, & fratres ejus, Philippum Markum, & fratres ejus, & Galfridum nepotem ejus, & totam sequelam eorandem.

“ drew, Peter, and Gyon,  
“ de Canceles, Gyon de Cy-  
“ gony, Geoffrey de Mar-  
“ tyn, and his brothers, Phi-  
“ lip Mark, and his brothers,  
“ and his nephew Geoffrey,  
“ and their whole retinue.

LIX. Et statim post pacis reformationem, amovebimus de regno, omnes alienigenas milites, balistarios, servientes stipendiarios, qui venerint cum equis & armis ad nocumētum regni.

“ LIX. And as soon as  
“ peace is restored, we will  
“ send out of the kingdom all  
“ foreign soldiers, crossbow-  
“ men, and stipendiaries,  
“ who are come with horses  
“ and arms, to the injury of  
“ our people.

LX. Si quis fuerit dispossessus, vel elongatus per nos, sine legali judicio parium suorum, de terris, castallis, libertatibus, vel jure suo, statim ea ei restituemus; & si contentio super hoc orta fuerit, tunc inde fiat per judicium viginti quinque baronum, de quibus fit mentio inferius in securitate pacis.

“ LX. If any one hath  
“ been dispossessed, or de-  
“ prived by us without the  
“ legal judgment of his peers,  
“ of his lands, castles, liber-  
“ ties or right, we will forth-  
“ with restore them to him;  
“ and if any dispute arises  
“ upon this head, let the  
“ matter be decided by the  
“ five and twenty barons  
“ hereafter mentioned, for  
“ the preservation of the  
“ peace.

LXI. De omnibus autem illis de quibus aliquis dispossessus fuerit, vel elongatus, sine legali judicio parium suorum per Henricum regem patrem nostrum, vel per Ricardum regem

“ LXI. As for all those  
“ things, of which any per-  
“ son has without the legal  
“ judgment of his peers been  
“ dispossessed or deprived, ei-  
“ ther by king Henry our fa-  
“ ther,  
“ ther,

¶ Their names, according to M. Paris, were the earls of Clare, Albemarle, Gloucester, Winchester, Hereford, earl Roger, earl Robert, earl Mareſcall, junior, Robert Fitzwalter, ſenior, Gilbert de Clare, Eustace de Vesci, Hugh Bigod, William de Munbray, the mayor of London, Gilbert de Laval, Robert de Ros, the constable of Chester, Richard de Perci, John Fitzrobert, William Malet, Geoffrey de Say, Roger de Munbray, Wittham de Huntingfield, Richard de Muntſchet, William de Albigny, p. 262.

regem fratrem nostrum, que in manu nostra habemus, vel que alii tenent, que nos oporteat warrantizare respectum habebimus usque ad communem terminum cruce-signatorum. Exceptis illis de quibus placitum motum fuit, vel inquisitio facta per preceptum nostrum, ante susceptionem crucis nostre; cum autem redierimus de peregrinatione nostra, vel si forte remanserimus a peregrinatione nostra, statim inde plenam justiciam exhibebimus.

LXII. Eundem autem respectum habebimus, —o de forestis deafforestandis, quas Henricus pater noster vel Ricardus frater noster afforestaverunt, & de custodiis terrarum que sunt de alieno feodo, cujusmodi custodias hucusque habuimus, occasione feodi quod aliquis de nobis tenuit per *Servitium militare*, & de abbatiis que fundate fuerint in feodo alterius quam nostro, in quibus dominus feodi dixerit se jus habere; & cum redierimus, vel si remanserimus a peregrinatione nostra, super hiis conquerentibus plenam justiciam statim exhibebimus.

“ther, or our brother king  
“Richard, and which we  
“have in our hands, or are  
“possessed by others, and  
“we are bound to warrant  
“and make good, we shall  
“have a respite, till the term  
“usually allowed the croises;  
“excepting those things  
“about which there is a suit  
“depending, or whereof an  
“inquest hath been made by  
“our order, before we undertook the crusade. But  
“when we return from our  
“pilgrimage, or if we do not  
“perform it, we will immediately cause full justice to  
“be administered therein.

“LXII. The same respite  
“we shall have for disafforesting the forests, which  
“Henry our father, or our  
“brother Richard have afforested; and for the wardship of the lands which  
“are in another's fee, in  
“the same manner as we  
“have hitherto enjoyed those  
“wardships, by reason of a  
“fee held of us by knight's  
“service; and for the abbies  
“founded in any other fee  
“than our own, in which  
“the lord of the fee claims  
“a right: and when we return from our pilgrimage,  
“or if we should not perform it, we will immediately do full justice to all  
“the complainants in this  
“behalf.

LXIII.

“LXIII.



LXIII. Nullus capiatur nec  
imprisonetur, propter appel-  
lum femine, de morte alterius,  
quam viri sui.

“ LXIII. No man shall  
“ be taken or imprisoned,  
“ upon the appeal of a wo-  
“ man, for the death of any  
“ other man than her hus-  
“ band.

LXIV. Omnes fines, qui  
injuste & contra legem terre  
facti sunt nobiscum, & omnia  
amerciamenta facta injuste &  
contra legem terre, omnino  
condonentur, vel fiat inde per  
judicium viginti quinque ba-  
ronum de quibus sit mentio  
inferius in securitate pacis, vel  
per judicium majoris partis  
eorundem, una cum predicto  
Stephano Cantuariensi archi-  
episcopo, si interesse poterit,  
& aliis quos secum ad hoc  
vocare voluerit; & si interesse  
non poterit, nichilominus pro-  
cedat negotium sine eo. Ita  
quod, si aliquis vel aliqui, de  
predictis viginti quinque ba-  
ronibus, fuerint in simili que-  
rela, amoveantur, quantum  
ad hoc judicium, & alii loco  
illorum per residuos de eisdem  
viginti quinque tantum ad  
hoc faciendum electi, & ju-  
rati substituantur.

“ LXIV. All unjust and  
“ illegal fines, and all amer-  
“ ciaments imposed unjustly,  
“ and contrary to the law of  
“ the land, shall be entirely  
“ forgiven, or else be left to  
“ the decision of the five and  
“ twenty barons hereafter  
“ mentioned, for the prefer-  
“ vation of the peace, or of  
“ the major part of them, to-  
“ gether with the aforesaid  
“ Stephen, archbishop of  
“ Canterbury, if he can be  
“ present, and others whom  
“ he shall think fit to take  
“ along with him: and if he  
“ cannot be present, the bu-  
“ siness shall notwithstanding  
“ go on without him. But  
“ so, that if one or more of  
“ the foresaid five and twen-  
“ ty barons be plaintiffs in  
“ the same cause, they shall  
“ be set aside, as to what  
“ concerns this particular af-  
“ fair; and others be chosen in  
“ their room out of the said  
“ five and twenty, and sworn  
“ by the rest to decide that  
“ matter.

LXV. Si nos disfaivimus,  
vel elongavimus Walenses de  
terris, vel libertatibus, vel  
rebus aliis, sine legali judicio  
parium suorum, eis statim red-  
dantur; & si contentio super  
Vol. II. hoc

“ LXV. If we have dis-  
“ seised or dispossessed the  
“ Welsh of any lands, li-  
“ berties, or other things,  
“ without the legal judgment  
“ of their peers, they shall  
“ L 1 “ imme-

hoc orta fuerit, tunc inde fiat in marchia per iudicium parium suorum; de tenementis Anglie, secundum legem Anglie, de tenementis Wallie, secundum legem Wallie, de tenementis marchie, secundum legem marchie: idem facient Walenses nobis & nostris.

LXVI. De omnibus autem illis de quibus aliquis Walensium diffaisitus fuerit, vel elongatus, sine legali iudicio parium suorum, — per Henricum regem patrem nostrum vel Ricardum regem fratrem nostrum, que nos in manu nostra habemus, vel que alii tenet, que nos oporteat warrantizare, respectum habebimus usque ad communem terminum cruce-signatorum: illis exceptis de quibus placitum motum fuit vel inquisitio facta per preceptum nostrum, ante susceptionem crucis nostre; cum autem redierimus, vel si forte remanserimus a peregrinatione nostra, statim eis inde plenam justiciam exhibebimus, secundum leges Walensium, & partes predictas.

LXVII. Nos reddemus filium Lewelini statim, & omnes obsides de Wallia, & car-  
tas

“ immediately be restored to  
“ them. And if any dispute  
“ arises upon this head, the  
“ matter shall be determined  
“ in the marches, by the  
“ judgment of their peers :  
“ for tenements in England,  
“ according to the law of  
“ England: for tenements in  
“ Wales, according to the  
“ law of Wales: the same  
“ shall the Welsh do to us  
“ and our subjects.

“ LXVI. As for all those  
“ things, of which any  
“ Welshman hath, without  
“ the legal judgment of his  
“ peers, been disseised or de-  
“ prived, by king Henry our  
“ father, or our brother king  
“ Richard, and which we ei-  
“ ther have in our hands, or  
“ others are possessed of, and  
“ we are obliged to warrant  
“ it; we shall have a respite  
“ till the time generally al-  
“ lowed the croises: except-  
“ ing those things about  
“ which a suit is depending,  
“ or whereof an inquest hath  
“ been made by our order,  
“ before we undertook the  
“ crusade. But when we re-  
“ turn, or if we stay at home  
“ and do not perform our  
“ pilgrimage, we will imme-  
“ diately do them full justice.  
“ according to the laws of  
“ the Welsh, and of the  
“ parts afore-mentioned.

“ LXVII. We will with-  
“ out delay dismiss the son of  
“ Lewelin, and all the Welsh  
“ hosta-

tas que nobis liberate fuerunt  
in securitatem pacis.

“ hostages, and release them  
“ from the engagements they  
“ entered into with us for the  
“ preservation of the peace.

LXVIII. Nos faciemus A-  
lexandro regi Scottorum, de  
fororibus suis & obsidibus red-  
dendis, & libertatibus suis,  
& jure suo, secundum for-  
mam in qua faciemus aliis ba-  
ronibus nostris Anglie, nisi  
aliter esse debeat per cartas  
quas habemus de Willielmo  
patre ipsius, quondam rege  
Scottorum; & hoc erit per  
judicium parium suorum in  
curia nostra.

“ LXVIII. We shall treat  
“ with Alexander king of  
“ Scots, concerning the re-  
“ storing of his sisters and  
“ hostages, and his right and  
“ liberties, in the same form  
“ and manner as we shall do  
“ to the rest of our barons  
“ of England; unless by the  
“ engagements which his fa-  
“ ther William, late king of  
“ Scots, had entered into  
“ with us it ought to be o-  
“ therwise; and this shall be  
“ left to the determination of  
“ his peers in our court.

LXIX. Omnes autem istas  
consuetudines predictas & li-  
bertates quas nos concessissi-  
mus in regno nostro tenen-  
das, quantum ad nos pertinet  
erga nostros omnes de regno  
nostro, tam clerici quam la-  
ici observent, quantum ad se  
pertinet erga suos.

“ LXIX. All the afore-  
“ said customs and liberties  
“ which we have granted, to  
“ be holden in our kingdom,  
“ as much as it belongs to  
“ us towards our people; all  
“ our subjects, as well cler-  
“ gy as laity, shall observe  
“ as far as they are concern-  
“ ed towards their depen-  
“ dents.

LXX. Cum autem pro  
Deo, & ad emendationem  
regni nostri, & ad melius so-  
piendam discordiam inter nos  
& barones nostros ortam, hec  
omnia predicta concesserimus,  
volentes ea integra & firma  
stabilitate gaudere., facimus  
concedimus eis securitatem  
subscriptam; videlicet quod  
barones eligant viginti quin-  
que

“ LXX. And, whereas  
“ for the honour of God,  
“ and the amendment of our  
“ kingdom, and for quieting  
“ the discord that has arisen  
“ between us and our ba-  
“ rons, we have granted all  
“ the things aforesaid; will-  
“ ling to render them firm  
“ and lasting, we do give and  
“ grant our subjects the fol-  
“ lowing

que barones de regno, quos voluerint, qui debeant pro totis viribus suis, observare, tenere, & facere observari, pacem & libertates quas eis concessimus, & hac presenti carta nostra confirmavimus. Ita scilicet quod si nos, vel justiciarius noster, vel ballivi nostri, vel aliquis de ministris nostris, in aliquo erga aliquem deliquerimus, vel aliquem articulorum pacis aut securitatis transgressi fuerimus, & delictum ostensum fuerit quatuor baronibus de predictis viginti quinque baronibus, illi quatuor barones accedant ad nos, vel ad justiciarium nostrum si fuerimus extra regnum, proponentes nobis excessum, petent, ut excessum illum sine dilatione faciamus emendari: & si nos excessum non emendaverimus, vel si fuerimus extra regnum justiciarius noster non emendaverit, infra tempus quadraginta dierum, computandum a tempore quo monstratum fuerit nobis, vel justiciario nostro, si extra regnum fuerimus, predicti quatuor barones referent causam illam ad residuos de viginti quinque baronibus, & illi viginti quinque barones cum communia totius terre, disstringent & gravabunt nos modis omnibus quibus poterunt, scilicet per captionem castro- rum, terrarum, possessionum, & aliis modis quibus poterunt donec fuerit emendatum secundum arbitrium eorum; sal-

“ lowing security; namely,  
 “ that the barons may choose  
 “ five and twenty barons of  
 “ the kingdom, whom they  
 “ think convenient, who shall  
 “ take care, with all their  
 “ might, to hold and ob-  
 “ serve, and cause to be ob-  
 “ served, the peace and li-  
 “ berties we have granted  
 “ them, and by this our pre-  
 “ sent charter confirmed. So  
 “ as that, if we, our justici-  
 “ ary, our bailiffs, or any of  
 “ our officers, shall in any  
 “ case fail in the perform-  
 “ ance of them, towards any  
 “ person; or shall break  
 “ through any of these arti-  
 “ cles of peace and security,  
 “ and the offence is notified  
 “ to four barons, chosen out  
 “ of the five and twenty a-  
 “ forementioned, the said  
 “ four barons shall repair to  
 “ us, or our justiciary if we  
 “ are out of the realm; and  
 “ laying open the grievance,  
 “ shall petition to have it  
 “ redressed without delay;  
 “ and if it is not redressed  
 “ by us, or, if we should  
 “ chance to be out of the  
 “ realm, if it is not redressed  
 “ by our justiciary within for-  
 “ ty days, reckoning from  
 “ the time it has been noti-  
 “ fied to us, or to our justici-  
 “ ary, if we should be out  
 “ of the realm; the four  
 “ barons aforesaid, shall lay  
 “ the cause before the rest of  
 “ the five and twenty barons;  
 “ and the said five and twen-  
 “ ty barons, together with  
 “ the

va persona nostra, & regine nostre, & liberorum nostrorum, & cum fuerit emendatum intendent nobis sicut prius fecerunt.

“ the community of the  
“ whole kingdom, shall dis-  
“ train and distress us all the  
“ ways possible; namely, by  
“ seizing our castles, lands,  
“ possessions, and in any o-  
“ ther manner they can, till  
“ the grievance is redressed  
“ according to their plea-  
“ sure, saving harmless our  
“ own person, and the per-  
“ son of our queen and chil-  
“ dren; and when it is re-  
“ dressed, they shall obey us  
“ as before.

LXXI. Et quicumque vo-  
luerit de terra, juret, quod ad  
predicta omnia exequenda  
parebit mandatis predictorum  
viginti quinque baronum, &  
quod gravabit nos pro posse  
suo cum ipsis; & nos pub-  
blice & libere damus licenti-  
am jurandi cuilibet qui jurare  
voluerit, & nulli unquam ju-  
rare prohibebimus.

“ LXXI. And any person  
“ whatsoever in the kingdom  
“ may swear, that he will  
“ obey the orders of the five  
“ and twenty barons afore-  
“ said, in the execution of  
“ the premisses, and that he  
“ will distress us, jointly with  
“ them, to the utmost of  
“ his power; and we give  
“ publick and free liberty to  
“ any one that will swear  
“ to them, and never shall  
“ hinder any person from  
“ taking the same oath.

LXXII. Omnes autem il-  
los de terra qui per se &  
sponte sua noluerint jurare vi-  
ginti quinque baronibus de  
distringendo & gravando nos  
cum eis, faciemus jurare eos-  
dem de mandato nostro, sicut  
predictum est.

“ LXXII. As for all those  
“ of our subjects, who will  
“ not, of their own accord,  
“ swear to join the five and  
“ twenty barons, in distrain-  
“ ing and distressing us, we  
“ will issue our order to  
“ make them take the same  
“ oath, aforesaid.

LXXIII. Et si aliquis de  
viginti quinque baronibus de-  
cesserit, vel a terra receßerit,  
vel

“ LXXIII. And if any  
“ one of the five and twenty  
“ barons dies, or goes out of  
“ the

vel aliquo alio modo impeditus fuerit, quo minus ista predicta possent exequi, qui residui fuerint de predictis viginti quinque baronibus, eligant alium loco ipsius, pro arbitrio suo, qui simili modo erit iuratus quo & ceteri.

“ the kingdom, or is hindered any other way, from  
 “ putting the things aforesaid  
 “ in execution; the rest of  
 “ the said five and twenty  
 “ barons may choose another  
 “ in his room, at ther discretion, who shall be  
 “ sworn in like manner, as  
 “ the rest.

LXXIV. In omnibus autem, que istis viginti quinque baronibus committuntur exequenda, si forte ipsi viginti quinque presentes fuerint, & inter se super re aliqua discordaverint, vel aliqui ex eis summoniti, nolint, vel nequeant interesse, ratum habeatur & firmum, quod major pars eorum qui presentes fuerint providerit, vel preceperit, ac si omnes viginti quinque in hoc consensissent, & predicti viginti quinque jurent quod omnia antedicta fideliter observabunt & pro toto posse suo facient observari.

“ LXXIV. In all things  
 “ that are committed to the  
 “ charge of these five and  
 “ twenty barons, if, when  
 “ they are all assembled together, they should happen  
 “ to disagree about any matter; or some of them,  
 “ when summoned, will not,  
 “ or cannot come, whatever is agreed upon, or enjoined by the major part of  
 “ those who are present,  
 “ shall be reputed as firm and  
 “ valid, as if all the five and  
 “ twenty had given their  
 “ consent, and the aforesaid  
 “ five and twenty shall swear,  
 “ that all the premises they  
 “ shall faithfully observe, and  
 “ cause with all their power  
 “ to be observed.

LXXV. Et nos nichil impetrabimus ab aliquo, per nos, nec per alium, per quod aliqua istarum concessionum & libertatum revocetur vel minuatur, & si aliquid tale impetratum fuerit irritum sit & inane; & nunquam eo utemur per nos, nec per alium.

“ LXXV. And we will not,  
 “ by ourselves, or others,  
 “ procure any thing, whereby  
 “ by any of these concessions  
 “ and liberties be revoked,  
 “ or lessened; and if any  
 “ such thing be obtained, let  
 “ it be null and void; neither shall we ever make  
 “ use of it, either by ourselves, or any other.

LXXVI.

“ LXXVI.

LXXVI. Et omnes malas voluntates, indignationes, & rancores ortos inter nos & homines nostros, clericos & laicos, a tempore discordie, plene omnibus remisimus, & condonavimus. Preterea, omnes transgressiones factas, occasione ejusdem discordie, a pascha anno regni nostri sextodecimo, usque ad pacem reformatam, plene remisimus omnibus clericis & laicis, & quantum ad nos pertinet plene condonavimus.

“ LXXVI. And all the ill will, anger, and malice, that hath arisen between us and our subjects, of the clergy and laity, from the first breaking out of the dissension between us, we do fully remit, and forgive. Moreover all trespasses occasioned by the said dissension, from Easter in the sixteenth year of our reign, till the restoration of peace and tranquillity, we hereby entirely remit, to all, clergy as well as laity, and as far as in us lies, do fully forgive.

LXXVII. Et insuper, fecimus eis fieri litteras testimoniales patentes domini Stephani Cantuariensis archiepiscopi, domini Henrici Dublinensis archiepiscopi, & episcoporum predictorum, & magistri Pandulphi, super securitate ista, & concessionibus prefatis.

“ LXXVII. We have moreover granted them our letters patents testimonial of Stephen, lord archbishop of Canterbury, Henry, lord archbishop of Dublin, and the bishops aforesaid, as also of master Pandulph, for the security and concessions aforesaid.

LXXVIII. Quare volumus & firmiter precipimus, quod Anglicana ecclesia libera sit, & quod homines in regno nostro habeant, & teneant, omnes prefatas libertates, jura, & concessiones, bene & in pace, libere & quiete, plene & integre, sibi & heredibus suis, de nobis & heredibus nostris in omnibus rebus & locis in perpetuum, sicut predictum est.

“ LXXVIII. Wherefore we will and firmly enjoin, that the church of England be free, and that all men in our kingdom, have and hold, all the foresaid liberties, rights, and concessions, truly and peaceably, freely and quietly, fully and wholly, to themselves and their heirs, of us and our heirs, in all things and places for ever, as is aforesaid.

LXXIX.

“ LXXIX.

## THE HISTORY

LXXIX. Juratum est autem tam ex parte nostra, quam ex parte baronum, quod hec omnia supradicta, bona fide, & sine malo ingenio observabuntur.

Testibus supradictis, & multis aliis. Data per manum nostram in prato quod vocatur Runingmede inter Windelesor, & Stanes quinto decimo die Junii anno regni nostri septimo decimo.

o— Deleantur per eosdem ita quod nos hoc sciamus prius vel justiciarius noster si in Anglia non fuerimus.

—o Eundem autem respectum habebimus, & eodem modo de justitia exhibenda, De forestis deafforestandis vel remanfuris forestis.

÷ Parium suorum in Angli. vel in Wallia.

∴ Gaudere in perpetuum.—

Examined and compared with the original in the Cottonian library,

By David Casley,  
deputy librarian.

There are two copies of this charter in the Cotton library, which are as old as the time of king John. One has still the broad seal, though some of it was melted by the flames, which, on October 23, 1731, consumed part of the

“ LXXIX. It is also  
“ sworn, as well on our part,  
“ as on the part of the barons, that all the things a-  
“ foresaid shall faithfully and  
“ sincerely be observed.”

Given under our hand, in the presence of the witnesses above named, and many others, in the meadow called Runingmede, between Windelesore and Stanes, the 15th day of June, in the 17th year of our reign.

“ o— So as we are first  
“ acquainted therewith, or  
“ our justiciary, if we should  
“ not be in England.

“ —o And in the same  
“ manner, about administ-  
“ ring justice, deafforesting  
“ the forests, or letting them  
“ continue.

“ ÷ Either in England  
“ or Wales.—

“ ∴ For ever.—



the abovesaid library, and which also made a few letters of the charter not legible: but they were supplied out of the other by the learned Mr. David Casley, from whose copy this is printed; and are distinguished above by **Black Letters**. Both charters were visibly writ by the same hand. That which hath no seal, has two slits at the bottom, from which, without question, hung two seals. — The few words printed here at the end, are placed so in the original, and referred to by the same marks.

*The Charter of Forests \* granted by king JOHN,  
to his subjects in the year 1215<sup>b</sup>,*

**J**OHANNES dei gratia,  
rex Angliæ, &c. Scia-  
tis quod intuitu dei &  
pro salute animæ nostræ & a-  
nimarum antecessorum & suc-  
cessorum, ad exaltationem  
sanctæ ecclesiæ, & emendati-  
onem regni nostri; spontanea  
& bona voluntate nostra dedi-  
mus, & concessimus pro nobis  
& heredibus nostris, has li-  
bertates subscriptas, habendas  
& tenendas in regno nostro  
Angliæ in perpetuum.

**J**OH<sup>n</sup>, by the graco  
of God, king of Eng-  
land, &c. Know ye,  
that for the honour of God,  
and the health of our soul,  
and the souls of our ances-  
tors and successors, and for  
the exaltation of holy  
church, and for the reform-  
ation of our kingdom, we  
have of our free and good  
will given and granted for  
us and our heirs, these li-  
berties hereafter specified,  
to be had and observed in  
our kingdom of England  
for ever.

**I.** In primis omnes forestæ  
quas rex Henricus avus noster  
afforestavit, videantur per pro-  
bos & legales homines; & si  
boscum aliquem alium quam  
suum dominicum, afforesta-  
verit ad damnum illius cujus  
boscus fuerit, statim deaffore-  
stetur. Et si boscum suum  
proprium afforestaverit, re-  
maneat foresta, salva commu-  
nia

**I.** Imprimis, all the fo-  
rests made by our grandfa-  
ther king Henry, shall be  
viewed by honest and law-  
ful men; and if he turned  
any other than his own  
proper woods into forests,  
to the damage of him whose  
wood it was, it shall forth-  
with be laid out again and  
disforested. And if he  
turned

\* The forests belonged originally to the crown, and the kings had granted several parts and parcels to private men, who had grubbed them up and made them arable or pasture. But yet all that was thus grubbed was still called forest. These forests belonging to the king as his own demesnes, or as the sovereign lord, were a continual source of vexatious suits, as well against those which held them of the king, as against the neighbouring freemen under pretence of the rights of the crown.

<sup>b</sup> As it is to be found in Matthew Paris, p. 250.

nia de herbagio & rebus aliis in eadem foresta, illis qui eam prius habere consueverunt.

“ turned his own woods into  
“ forest, they shall remain  
“ so, saving the common of  
“ pasture to such as were for-  
“ merly wont to have it.

II. Homines qui manent extra forestam, non veniant de cætero coram iusticiariis nostris de foresta, per communes submonitiones; nisi sint in placito, vel plegii alicujus vel aliquorum qui attachiati sunt propter forestam: omnes autem bosci qui fuerunt afforestati per regem Richardum fratrem nostrum, statim deafforestentur; nisi fuerint domini bosci nostri.

“ II. Is the LII. and LV.  
“ of the great charter put  
“ into one chapter.

III. Archiepiscopi, episcopi, abbates, priores, comites, barones, milites, & libere tenentes, qui boscos habent in foresta, habeant boscos suos sicut eos habuerunt tempore primæ coronationis prædicti regis Henrici avi nostri; ita quod quieti sint in perpetuum de omnibus purpresturis, vastis & assartis factis in illis boscis post illud tempus, usque ad principium secundi anni coronationis nostræ. Et qui de cætero vastum, purpresturam, vel assartum facient sine licentia nostra in illis boscis, de vastis, purpresturis, & assartis respondeant.

“ III. The archbishops,  
“ bishops, abbots, earls, barons, knights, and free tenants, who have woods in any forests, shall have their woods as they had them at the time of the first coronation of our grandfather king Henry, so as they shall be discharged for ever of all purprestures<sup>c</sup>, wastes and assarts<sup>d</sup>, made in those woods, after that time, to the beginning of the second year of our coronation; and those who for the time to come shall make waste, purpresture or assart in those woods without our licence, shall answer for them<sup>e</sup>.

## IV.

## “ IV,

<sup>c</sup> i. e. Encroachments upon the king's lands.

<sup>d</sup> i. e. Grubbing up wood, and making it arable, without licence.

<sup>e</sup> Every article of this charter is a clear evidence how much the subject was oppressed under pretence of preserving the royal forests,

IV. *Regardatores nostri* eant per forestas, ad faciendum regardum, sicut fieri consuevit tempore primæ coronationis prædicti regis Henrici avi nostri, & non aliter.

“ IV. Our inspectors or viewers shall go through the forests to make a view, as it was wont to be at the time of the first coronation of our said grandfather king Henry, and not otherwise.

V. *Inquisitio vel visus de expeditione canum existentium in foresta de cætero fiat, quando fieri debet regardum; scilicet de tertio anno in tertium annum; & tunc fiat per visum & testimonium legalium hominum, & non aliter. Et ille cujus canis inventus fuerit tunc non expeditatus, pro misericordia det tres solidos; & de cætero nullus bos capiatur pro expeditatione. Talis autem expeditatio sit per assisam communiter, quod tres ortelli ascindantur de pede anteriori sine poleta. Non expeditentur canes de cætero, nisi in locis ubi expeditari solent tempore primæ coronationis prædicti Henrici regis avi nostri.*

“ V. The inquisition, or view for lawing <sup>f</sup> of dogs which are kept within the forest, for the future shall be when the view is made, that is, every three years, and then shall be done by the view and testimony of lawful men, and not otherwise; and he whose dogs at such time shall be found unlawed, shall be punished three shillings; and for the future, no one shall be taken for lawing, and such lawing shall be according to the common assize; namely, the three claws of the dog's forefoot shall be cut off, or the ball of the foot taken out. And from henceforward dogs shall not be lawed, unless in such places where they were wont to be lawed in the time of king Henry our grandfather.

VI. *Nullus forestarius vel bedellus, faciat de cætero scotallum, vel colligat garbas, vel avenam, vel bladum aliud, vel agnos, vel porcellos, nec aliquam collectam faciat; & per visum & sacramentum duodecim*

“ VI. No forester or bedel <sup>g</sup> for the future, shall make any ale shots <sup>h</sup>, or collect sheaves of corn, or oats, or other grain, or lambs, or pigs; nor shall make any gathering whatsoever,

<sup>f</sup> Cutting off their claws, &c.

<sup>g</sup> Bailiff of the forest.

<sup>h</sup> That is, taking ale to excuse the offender,

duodecim regardatorum, quando facient regardum, tot forestarii ponantur ad forestas custodiendas, quot ad illas custodiendas, rationabiliter viderint sufficere.

“ soever, but by the view and  
“ oath of twelve inspectors;  
“ and when they make their  
“ view, so many foresters  
“ shall be appointed to keep  
“ the forests as they shall rea-  
“ sonably think sufficient.

VII. Nullum suanimotum de cætero teneatur in regno nostro, nisi ter in anno; videlicet in principio quindecim dierum ante festum sancti Michaelis, quando agistatores veniunt ad agistandum dominicos boscos, & circa festum sancti Martini quando agistatores nostri debent accipere panagium suum. Et ad ista duo suanimota, convenient forestarii, viridarii, & agistatores; & nullus alius per distractionem. Et tertium suanimotum teneatur in initio XV dierum ante festum sancti Johannis Baptistæ pro scœnatione bestiarum nostrarum; & ad istum suanimotum convenient forestarii, viridarii, & non alii per distractionem.

“ VII. No swainmote for the  
“ time to come shall beholden  
“ in our kingdom oftner than  
“ thrice a year; that is to say,  
“ in the beginning of fifteen  
“ days before Michaelmas,  
“ when the agisters, come to  
“ agist the demesne woods;  
“ and about the feast of St.  
“ Martin, when our agi-  
“ sters are to receive their  
“ pannage<sup>1</sup>; and in those  
“ two swainmotes, the foref-  
“ ters, verderers, and agi-  
“ sters shall meet, and no o-  
“ ther by compulsion or di-  
“ stress; and the third swain-  
“ mote shall be holden in the  
“ beginning of the fifteen days  
“ before the feast of St. John  
“ Baptist, concerning the  
“ sawning of our does; and  
“ at this swainmote shall meet  
“ the foresters and verderers,  
“ and no others shall be com-  
“ pelled to be there.

VIII. Et præterea singulis quadraginta diebus, per totum annum convenient viridarii & forestarii ad videndum attachiamenta de foresta tam de viridi quam de venatione, per præsentationem ipsorum forestariorum,

“ VIII. And furthermore,  
“ every forty days through-  
“ out the year, the verderers  
“ and foresters shall meet to  
“ view the attachments of the  
“ forest, as well of vert<sup>2</sup>,  
“ as venison, by presentment  
“ of

<sup>1</sup> Money for the feeding of hogs with mast in the king's forests.

<sup>2</sup> That is, the offences that have been committed in cutting wood, or killing deer.

tariorum, & coram ipsis attachientur, prædicta autem suanimota non teneantur, nisi in comitatibus in quibus teneri consueverunt.

“ of the foresters themselves;  
 “ and they who committed  
 “ the offences, shall be forced  
 “ to appear before them : but  
 “ the aforesaid swainmotes  
 “ shall be holden but in such  
 “ counties as they were wont  
 “ to be holden.

IX. Unusquisque liber homo agisset boscum suum in foresta pro voluntate sua, & habeat panagium suum.

“ IX. Every freeman shall  
 “ agist<sup>1</sup> his wood in the  
 “ forest at his pleasure, and  
 “ shall receive his pannage.

X. Concedimus etiam quod unusquisque liber homo possit ducere porcos suos per dominicum boscum nostrum, libere & sine impedimento; & ad agistandum eos in boscis suis propriis, vel alibi ubi voluerit. Et si porci alicujus liberi hominis una nocte pernoctaverint in foresta nostra, non inde occasionetur, ita quod aliquid de suo perdat.

“ X. We grant also, that  
 “ every freeman may drive  
 “ his hogs through our demesne woods, freely and  
 “ without impediment, and  
 “ may agist them in his own  
 “ woods, or elsewhere, as he  
 “ will : and if the hogs of any  
 “ freeman shall remain one  
 “ night in our forrests, he  
 “ shall not be troubled, so as  
 “ to lose any thing for it.

XI. Nullus de cætero amittat vitam vel membra pro venatione nostra; sed si aliquis captus fuerit & convictus de captione venationis, graviter redimatur, si habeat unde redimi possit, & si non unde redimi possit, jaceat in prisona nostra per annum unum & unum diem. Et si post annum unum & unum diem plegios invenire possit, exeat a prisona; sin autem, abjuret regnum nostrum Angliæ.

“ XI. No man for the time  
 “ to come shall lose life or  
 “ limb for taking our venison; but if any one be seized and convicted of taking  
 “ venison, he shall be grievously fined, if he hath  
 “ wherewithal to pay; and  
 “ if he hath not, he shall  
 “ lie in our prison a year and  
 “ a day. And if after that  
 “ time he can find sureties,  
 “ he shall be released; if not,  
 “ he shall abjure our realm of  
 “ England.

XII.

“ XII.

<sup>1</sup> That is, take in his neighbour's cattle to feed.

XII. Quicumque archiepiscopus, episcopus, comes vel baro veniens ad nos per mandatum nostrum, transierit per forestam nostram, licet illi capere unam vel duas bestias per visum forestarii si præsens fuerit; sin autem, faciat corhari, ne videatur hoc furtive facere: item licet in redeundo idem eis facere, sicut prædictum est.

" XII. It shall be lawful  
" for every archbishop, bishop,  
" op, earl, or baron, coming  
" to us by our command,  
" and passing through our  
" forest, to take one or two  
" deer by view of the forester,  
" if present, if not,  
" he shall cause a horn to be  
" sounded, lest he should seem  
" to steal them. Also in  
" their return, it shall be lawful  
" for them to do the same  
" thing.

XIII. Unusquisque liber homo de cætero sine occasione, faciat in bosco suo vel in terra sua, quam habet in foresta molendinum, vivarium, stagnum, marleram, fossatum vel terram arabilem, extra co-opertum in terra arabili, ita quod non sit ad nocumentum alicujus vicini.

" XIII. Every freeman for  
" the future may erect a mill  
" in his own wood, or upon  
" his own land, which he  
" hath in the forest; or make  
" a warren, or pond, a marl-pit,  
" or ditch, or turn it  
" into arable, without the  
" covert in the arable land,  
" so as it be not to the detriment  
" of his neighbour.

XIV. Unusquisque liber homo habeat in boscis suis ærias accipitrum, supervarium, falconum, aquilarum & heironum; & habeant similiter mel quod inventum fuerit in boscis suis.

" XIV. Every freeman  
" may have in his woods the  
" ayries of hawks, of sparrows,  
" hawks, falcons, eagles, and  
" herons; and they shall have  
" likewise the honey which  
" shall be found in their  
" woods.

XV. Nullus forestarius de cætero, qui not sit forestarius de feudo, reddens firmam nobis pro balliva sua, capiat cheminagium, scilicet pro cateta per dimidiam annum, duos denarios, & per alium dimidium

" XV. No forester for the  
" future, who is not a forester  
" in fee, paying us rent for his  
" office, shall take cheminage<sup>m</sup>; that is to say,  
" for every cart two pence  
" for half a year, and for the  
" other

<sup>m</sup> Money for passing through the forest.

dium duos denarios; & pro equo, qui portat summagium, per dimidium annum, unum obolum, & per alium dimidium annum, unum obolum; & non nisi de illis, qui extra ballivam suam tanquam mercatores veniunt, per licentiam suam in ballivam suam, ad buscam, meiremium, corticem, vel carbonem emendum, & alias ducendum ad vendendum ubi voluerint. Et de nulla careta alia, vel summagio, aliquod cheminagium capiatur; non capiatur cheminagium, nisi in locis illis, ubi antiquitus capi solebat & debuit: illi autem qui portant super dorsum suum, buscam, corticem vel carbonem ad vendendum, quamvis inde vivant, nullum de cætero dent cheminagium de boscis aliorum; nullum detur cheminagium forestariis nostris præterquam de dominicis boscis nostris.

XVI. Omnes utlagati pro foresta a tempore regis Henrici avi nostri, usque ad primam coronationem nostram, veniant ad pacem sine impedimento, & salvos plegios inveniant quod de cætero non forsifacient nobis de foresta nostra.

XVII. Nullus castellanus vel alius teneat placitum de foresta sive de viridi sive de venatione

" other half year two-pence;  
 " and for a horse that carries  
 " burthens, for half a year  
 " a half-penny, and for  
 " the other half year a  
 " half-penny; and then only  
 " of those, who come as buyers,  
 " out of their bailiwick,  
 " to buy underwood, timber,  
 " bark, or charcoal, to carry  
 " it to sell in other places,  
 " where they will: and for the  
 " time to come there shall be  
 " no cheminage taken for any  
 " other cart or carriage-horse,  
 " unless in those places where  
 " anciently it was wont, and  
 " ought to be taken; but  
 " they who carry wood, bark,  
 " or coal upon their backs  
 " to sell, though they get  
 " their livelihood by it, shall  
 " for the future pay no cheminage:  
 " but for passage through the woods of other  
 " men, no cheminage shall  
 " be given to our foresters,  
 " but only in our own woods.

" XVI. All persons outlawed for offences committed in our forests from the time of king Henry our grandfather, until our first coronation, may reverse their outlawries without impediment, but shall find pledges that for the future they will not forfeit to us in our forest.

" XVII. No castellan or other person shall hold pleas of the forest, whether concerning

a That is, commit no offence. Dr. Brady.



“ cerning vert or venison:  
 “ but every forester in fee  
 cita de foresta, tam de viridi  
 quam de venatione, & ea  
 præsentet viridariis provinci-  
 arum; & cum rotulata fue-  
 rint, & sub sigillis viridario-  
 rum inclusa, præsententur ca-  
 pitali forestario cum in partes  
 illas venerit ad tenendum pla-  
 cita forestæ, & coram eo ter-  
 minentur.

venatione; sed quilibet foref-  
 tarius de feudo attachiet pla-  
 “ shall attach pleas of the fo-  
 “ rest<sup>o</sup>, as well concerning  
 “ vert as venison, and shall  
 “ present the pleas or of-  
 “ fences to the verderers of  
 “ the several counties; and  
 “ when they shall be enrolled  
 “ and sealed under the seals  
 “ of the verderers, they shall  
 “ be presented to the chief  
 “ forester, when he shall come  
 “ into those parts, to hold  
 “ pleas of the forest, and shall  
 “ be determined before him.

XVIII. Omnes autem con-  
 suetudines prædictas & liber-  
 tates, quas nos concessimus  
 in regno tenendas, quantum  
 ad nos pertinet erga nostros,  
 omnes de regno nostro, tam  
 laici quam clerici observent,  
 quantum ad se pertinet erga  
 suos.

“ XVIII. And all the cus-  
 “ toms and liberties afore-  
 “ said, which we have grant-  
 “ ed to be holden in our  
 “ kingdom; as much as be-  
 “ longs to us towards our  
 “ vassals, all of our kingdom,  
 “ as well laicks as clerks,  
 “ shall observe as much as  
 “ as belongs to them towards  
 “ their vassals.”

<sup>o</sup> May seize the body or goods of the offenders to make them appear.

<sup>p</sup> There is no original of this charter extant, nor any copy older than the first of Henry III.

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